

Pausing to Understand PAWS

by Charlotte Clem McGowan

A growing list of organizations including AKC Parent Clubs, state federations formed to fight bad legislation, local and regional clubs, hunting enthusiasts, cat fanciers, rabbit breeders, bird breeders, etc., are going on record to oppose the PAWS legislation, S1139/H2669. Why do you suppose this is happening? The number one reason is that this is a very fatally flawed piece of legislation and the very people who have worked in the trenches on the state and local level are the ones most apt to have figured this out. Another reason people have gone on record publicly is that AKC has refused to acknowledge very genuine concerns about this assault on breeders' rights and seems willing to settle for a bad bill thinking it could have been a far worse bill. The word "capitulation" comes to mind. AKC calls it "staying in the process," and is pushing a fantasy that supporting a bad bill is being proactive and showing the public we care.

We have a situation which has polarized members of the fancy and in which AKC has ignored its' own policies and its own constituents. AKC has also flip-flopped on whether or not it had any part in writing the bill. Part of the dog press has tended to parrot the AKC line that opponents are simply misinformed, hysterical or incapable of contemplating what one AKC spokesperson termed an "intricate" piece of legislation. In the meantime, one can only guess at how happy the HSUS and all the other animal rights groups are to see the fancy eating its own. Within our ranks, we also have several people who have made a career of speaking out and writing about "puppy mills." While they may not be card-carrying animal rights activists, they might as well be. That's all they think of... except when they're thinking of animal research, circus, fur, hunting, and all the other things they want banned. They seem to have endless hours to basically push the whole animal rights agenda, stopping just short of banning purebred dog breeding. If people spend enough time spouting an animal rights, anti-breeding line, they become what they preach and cross over to the dark side. Stand on the edge of the abyss peering in long enough and there you go. Think "Star Wars."

On the other extreme, some of the newer activists urge a boycott of AKC. They have nothing to lose after all—they aren't AKC breeders or supporters anyway. Disagree with them and they shoot first and ask questions later. They know more than everyone about everything. They are out there on the newly formed Yahoo groups. They haven't yet figured out that if you're nasty no one is going to listen to you. These are the extremes. But extremists aside, there is a huge degree of frustration amongst some of the most legislatively informed people in the fancy as they watch AKC circling the wagons to defend a very bad piece of legislation. I would like to address a number of concerns fanciers have.

First of all, how did this come about? It all started in the late 80s and early 90s with the "puppy mill" exposes. The anti-"puppy mill" frenzy was the opening act as animal rights activists worked to paint all breeders as "puppy mills" and the fancy, using their own highly individualized definitions, joined right in. That's not to say there weren't plenty of bad kennels to see back then. There were! Something needed to be done. Fast forward to 2005—because of USDA and AKC these bad kennels have become the exception. In the interim, AKC's thousands of inspections have weeded out most of the bad players and improved conditions everywhere. AKC rose to the occasion and has made a huge, positive difference.

In the history of all this, we then had the High Volume Breeder Committee in which AKC explored its relationship to larger kennels and commercial kennels. This was a courageous piece of work. The wedge that animal rights groups had placed between the casual breeder and the large scale breeder and the commercial breeder and AKC's failure to even deal with the commercial sector had caused a precipitous drop in AKC registrations with commercial breeders heading for many of the over 20 non-AKC registries that now exist. The High Volume Breeder report was the first step in coming to terms with what was going on, but even as the report came out, our own home grown activists started squawking away again about puppy mills.

Most people know that in the last several years we fought a really terrible bill, the so-called Puppy Protection Act, authored by the very same Sen. Santorum now trotting out the PAWS act. The PPA was pushed by activists who were aware Santorum's state, Pennsylvania, had a large number of Amish farmers breeding dogs on a large scale. Santorum was perfect prey for these groups. The PPA, combined with the Doris Day Animal League (DDAL) lawsuit against the USDA together would have gutted hobby breeding in this country. HSUS was thickly involved on this one working closely with Sen. Santorum. Most of us knew whom we were working against. Luckily, AKC opposed the PPA and filed an amicus brief supporting the USDA. AKC worked hand

in hand with the cat fancy, NAIA and other groups on this effort. The result of the failed PPA and failed lawsuit was that we now had a court precedent whereby the court supported the USDA in interpreting that the Animal Welfare Act was not meant to cover home based hobby breeders of dogs, cats, rabbits, and other pet animals but was intended to cover breeders who sold at wholesale to brokers and pet stores. It took years to get this decision and it was huge and it was widely celebrated, especially by AKC and certainly by all of us who had worked so hard to get that result.

Then came last fall and AKC's Lobby Day. Many of us who had spent most of our waking hours working on legislation were invited to Washington, DC for a seminar on effective lobbying and to hear AKC representatives, lobbyists and even Sen. Santorum's aide speak to us on the process and AKC's agenda. We learned many things. We learned that Sen. Santorum had had an animal rights activist as an aide and that during the PPA she prevented anyone from bringing to Sen. Santorum's ears any indication of the degree of opposition to the PPA. We learned she prevented AKC lobbyist Jim Holt from getting near the Senator. We also learned she was now history and the new aide, a nice young man with the last name of Stolfus had been open to talking to Jim. Jim told us that he was working with the aide and Sen. Santorum on a new, good bill that we could all support. We were told not to bring up the PPA when Jeff Stolfus talked to us, we were told not to mention it. We complied. Then we were sent out to lobby the hill and we were told to tell our Senators and Representative that AKC would be supporting a shiny new improved bill that Sen. Santorum would be filing. We lambs complied because we trusted Jim. Obviously we did not know, and for that matter, we would hope neither did Jim know exactly what was coming down. But a better question was why were we sent out to lobby for something that was anything but certain? And I ask myself, in retrospect, why did I lobby for an unknown bill? Well, I trusted Jim, that's why.

Fast forward and suddenly on May 26, 2005, we have press releases from AKC, HSUS, DDAL and Sen. Santorum saying we all support PAWS! Wowie zowie! Imagine that, AKC and the very organizations that hope to end all purposeful breeding of animals standing in a line together. Especially shocked were all the people working on legislation that were clueless as to what was happening and especially clueless as to the content of the bill!

Standing and clapping were the "puppy mill" fighters who included some of our columnists who have endlessly written on commercial breeding using that term, content in the knowledge that they and only they knew what was best, along with all the animal rights groups. Did we have any warning or indication of what was coming? In retrospect, perhaps the notes in Dog News that Wayne Pacelle, head of HSUS, was handsome and well spoken and the suggestion we ought to form an alliance with HSUS should have tipped us off. There had been rumors that HSUS was attempting to court some prominent dog show people. Could it have happened? Did someone at AKC become mesmerized by the anti puppy mill campaign and the constant and articulate droning of the Trojan Horse animal rightists in our midst? Did some of them forget that HSUS and company are out to end all purposeful breeding of animals, or did they ever know? Did any of them note the irony of those of us in Massachusetts asking AKC to post a legislative alert on a state bill to regulate commercial breeders that would make anyone breeding more than one litter a year subject to Pet Store rules (a measure supported by HSUS) at the very same time they were announcing PAWS? And did AKC forget their strong allies in the Cat Fancy and other groups working away on legislative issues?

Now to PAWS itself, a measure we are told is good for dogs! What is good in PAWS is really irrelevant because it has a fatal flaw. The fatal flaw is that after years and years of fighting to keep the AWA and the 60-90 pages of regulations that accompany it out of the private homes of hobby breeders, PAWS does just that. It is a spectacular capitulation on the part of AKC. We have been told that PAWS will protect about 96% of the registry. While the 4% are aghast at being cashiered, AKC has failed to note it has relegated some very top breeders, some very elite breeders to the harsh USDA commercial regulations that require such things as surfaces impervious to water, i.e., no dogs in the house. No good breeder fears an AKC inspection, but a USDA inspection is a totally different ball of wax. Some at AKC appear oblivious to this and believe that if one is inspected by AKC already they shouldn't mind being inspected by USDA. Wrong. It is different. Let me just give you an example...

At the height of his breeding career, Ed Jenner bred a lot of wonderful dogs with a great deal of love, with help, and with care. Ed would be subject to PAWS. Imagine Ed being told, no puppies in the house, no dogs in the bedroom. Imagine Ed hearing HSUS and its supporters calling him a "puppy mill" based solely on numbers! Ed is gone but there are some very great breeders who

are with us who would suddenly be told they are commercial entities that must submit to USDA rules and licensing. Is it ok to sacrifice them to appease the animal rights appetite for breeder regulation? We are told that PAWS will help control importation of dogs. I would say to you that there is a disconnect in that statement. In my breed, a toy breed, litters are small. Several of our very top breeders who serve as some of the few sources of top class stock for newer breeders would be collared by PAWS. Because my breed is difficult to breed and demand outstrips supply, people are already importing many dogs from Europe and Japan. They are importing them to show! PAWS will certainly help European and Japanese breeders by increasing demand since U.S. breeders will be limited because no hobby breeder in their right mind would want to submit to USDA rules and will simply breed less. Was anyone thinking about this? We are told PAWS will not affect rescue. Think again! AKC has disseminated their opinion as fact. Lawyers with the Cat Fanciers have done an analysis of that situation. You can read about it here:

www.cfainc.org/exhibitors/alert-US-PAWS-rescue.html.

The numbers in PAWS indicate that anyone breeding more than 6 litters or selling more than 25 dogs would be a dealer. Obviously people with large breeds like German Shepherds and Irish Wolfhounds, which can have 15 puppies in a litter, can't see a problem here. But some of the toy and terrier breeders with 1-3 puppies in a litter certainly can! Of special concern too is the really bad way the bill is written. DDAL is probably already planning out its next lawsuit over the word "or" and salivating at the prospect of lowering the numbers at their earliest possible convenience. More than anything, Federations have argued nationwide when limit laws and breeder licensing laws have been proposed that home based hobby breeders are exempt under federal rules. This powerful argument bites the dust with PAWS. What was AKC thinking here? Did they ever think of telling Sen. Santorum if he felt Pennsylvania had a problem with its Amish farmers he could get some state regulations to deal with his particular problem rather than trying a federal sledgehammer?

I strongly oppose PAWS and I strongly support AKC. These two positions are not incompatible. To publicly oppose AKC' position on PAWS on this issue is painful. But to sit in silence would be a dereliction of duty. I have heard people say they oppose PAWS but are afraid that they may not advance as judges or may miss out on some chance to advance themselves with delegate committees or the Board or those who control judging panels of important shows if they speak up. Others are afraid to be attacked in the press as being misinformed or hysterical. I prefer to do the right thing, and the right thing is to strongly oppose PAWS. More and more groups and clubs are doing the right thing too. Is there any way out for AKC here? It seems certain that PAWS is past any stage where the fatal flaw can be removed. AKC has only stated it has reservations about the numbers section. A notice has also come out distancing AKC from the actual writing of the bill. Past that, AKC is full steam ahead. It seems unlikely AKC can do an about face because it is so far into the process. But a reexamination of the impact of this bill not only on dogs but cats, *rabbits* and other animals and on anyone who has more than one species (dogs and cats) might outline the consequences that can ensue if this bill passes. Try reading Lawyer Jeff Helsden's legal analysis of Paws at the link following this article and then you may wish the Directors voting for PAWS had read it too. Any suggestions that concerned fanciers are misinformed fails to do anything but inflame those who are trying to save AKC from itself. Having been accused of being an AKC apologist, I can tell you that those of us who have worked diligently to preserve everyone's rights to breed, own, show and have our purebred dogs do not need to be patronized by AKC communications. We are not misinformed or hysterical. We are strong supporters of our sport and we cannot sit quietly while AKC disassembles all that has been done on the federal level to protect our right to continue our sport without the government intruding on the very privacy of our homes.

For more information, Please check out the following links:

www.arba.net/paws.htm
www.naiatrust.org/NAIA_Trust_Opposes_PAWS_S1139.htm
www.cyberdobes.com/PDF/AKC_and_PAWS2.pdf
www.cfainc.org/exhibitors/alerts.html
www.ncraoa.com/alerts.html