

## Anti-Breeding Laws ARE Unconstitutional

The International Society for Animal Rights (ISAR) published in their Spring 2003 newsletter an article entitled Alleviating Dog & Cat Overpopulation Through Law. At least they were honest in calling their proposed mandatory spay/neuter laws Anti-breeding laws. All too often animal rights organizations try to mislead the public and legislators into believing that what they propose to solve “overpopulation” isn’t meant to eliminate responsible breeders. The intent of the article was to “prove” that anti-breeding laws are not unconstitutional.

ISAR contends that anti-breeding laws are needed to lessen “overpopulation”. They contend that at the core of anti-breeding laws is the finding that “Euthanasia of unwanted cats and dogs is rampant, with totals annually in the millions of animals.” Because of this they argue that anti-breeding laws are constitutional. The argument is that the right to breed animals is not a fundamental right therefore any test for constitutionality is based on a lesser standard than say a fundamental right such as freedom of speech. The lesser test boils down to asking is there a problem properly within the governments area of concern and is the enacted law a rational way to deal with that problem? ISAR argues “if there are too many unwanted cats and dogs, it’s certainly rational to prevent the breeding of any more to prevent the population from growing, and to leave it to attrition to actually reduce that population.”

However the basis of ISAR’s argument, that dog and cat overpopulation exists, is rampant and out of control is totally inaccurate, therefore their argument that anti-breeding laws aren’t unconstitutional is wrong. ISAR does state in other articles that “Neither ISAR, or any other organization in the United States, has a reliable estimate of how many dogs are euthanized by shelters in this country.” (Dog Overpopulation and Puppy Mills, Model Department of Animal Affairs Statute, Mandatory Identification of Companion Cats and Dogs, Dog and Cat Overpopulation). And then they state in their Model Euthanasia Statistics Statute **“That at present there are no reliable statistics of how many homeless dogs and cats shelters kill annually and thus no concrete data upon which the legislature can base any legislative conclusions it may wish to make in order to deal with the public fiscal, health, safety, welfare, environmental, and other issues presented by the disposition of unwanted dogs and cats.”** One must wonder how in the world they can state that “overpopulation” is “rampant” when they also say they don’t have any reliable figures about it.

Statistics do exist for animal abandonment and they prove that not only is there no animal “overpopulation” but that animal abandonment and euthanasia has dramatically decreased, without anti-breeding laws. “The number of animals killed in shelters and pounds nationwide has dropped from 17 million in 1987 to fewer than 5 million in 1998, according to Best Friends. The success of spay and neuter drives, growing awareness about adopting from shelters, and pet supply stores that have partnered with shelters to promote adoptions, have all contributed to the decline.” (Animal Lovers’ mission is to get pets off the streets Seattle Times 10/29/01)

Year	Total Pet Population	# Euthanized in Shelters***	% of the pet population
1973*	65 million	13.5 million	21%
1982*	92 million	8-10 million	9%-11%
1992*	110 million	5-6 million	5%
2000*	120 million	4-6 million	3%-5%
2001**	141 million	4.4 million	3.26%

\*From HSUS State of the Animals 2001

\*\*American Pet Products Manufacturers Assoc. National Pet Owners Survey & Animal People Shelter Survey

\*\*\*Shelters include owner requested euthanasia in their statistics which is not a part of abandoned animals euthanized. Studies have found 16%-24% of reported euthanasia are owner requested. (Understanding Animal Companion Surplus in the US: Relinquishment of Nonadoptables to Animal Shelters for Euthanasia, Kass, New Jr, Scarlett, Salman JAAWS 4(4), 237-248 2001)

ISAR is also incorrect that breeding moratoriums will reduce animal abandonment. ISAR believes that “overpopulation” is caused by unwanted animals that are the result of breeding. However they then contradict themselves. In *Solving Animal Behavioral Problems* they say that “animal shelters throughout the United States are full” of dogs and cats who are there due to behavioral problems that their owners did not recognize or could not deal with. Also from the article “The American Veterinary Medical Association (AVMA) estimates that as many as half of all dogs relinquished to shelters are surrendered due to behavioral problems. Dr. Nicholas Dodman, Director of the Animal Behavior Clinic at Tufts University School of Veterinary Medicine, estimates that 70% of these animals are euthanized, making behavioral problems the leading cause of death for companion animals in the United States.”

ISRA further contradicts their argument about the constitutionality of anti-breeding laws by stating “This identification suggests that a root of the surplus problem is not, as popularly supposed, the ease with which a dog or cat can be acquired, but rather the ease with which a dog or cat can be disposed of. Every surplus animal in a shelter or humane society, or running loose, or the animals, from which it is descended, had to have once belonged to someone. Unless the dog or cat ran away, it was dumped. This recognition suggests, in turn, one possible answer to the surplus animal problem. If ease of disposal of unwanted animals is a major contributing factor to the surplus dog and cat problem, it is that—ease of disposal—which must be dealt with. “ (mandatory Identification of Companion Cats and Dogs).

In addition the Humane Society of the US (HSUS) admits that the term “overpopulation” does not accurately describe reasons for animals being abandoned. (State of the Animals 2001 HSUS). In addition the term “overpopulation” is difficult to define, no one can agree what exactly constitutes “overpopulation”. Some animal rights organizations believe if even one animal ends up in an animal shelter it means there exists an “overpopulation”.

Of course there are numerous scientific studies that have been conducted that show the majority of animals in shelters are there because of the severance of the human animal bond-not the deliberate breeding done by hobby and commercial breeders:

“We found that relinquishment was associated with physical and behavioral characteristics of the animals and owner characteristics and knowledge. Relinquished animals were more likely to be intact, younger, and mixed bred. People relinquishing animals were significantly more likely to be men and younger than 35 years. Duration of ownership was significantly shorter for relinquished animals.” (Characteristics of Shelter-Relinquished Animals and Their Owners Compared With Animals and Their Owners in U.S. Pet Owning Households. *Journal of Applied Animal Welfare Science*, 3(3), 179-201. 2000.)

“The Regional Shelter Relinquishment Study sponsored by the National Council on Pet Population Study and Policy (NCPSP) is a national research project designed to explore the characteristics of relinquished dogs and cats, their owners, and the reasons for relinquishment. The NCPSP Regional Shelter Study found that behavioral problems, including aggression toward people or nonhuman animals, were the most frequently given reasons for canine relinquishment and the second most given reason for feline relinquishment. No association was found between category of relinquishment (behavioral, mixed, nonbehavioral) and gender, number of times mated (males) number of litters (females), purebred status, and number of visits to the veterinarian within the past year, for either dogs or cats. Associations were found between category of relinquishment and number of pets in the household, number of pets added to the household, neuter status of female dogs and cats, neuter status of male dogs, training level, age of pet relinquished, length of ownership, and pets acquired from shelters. Association also were found between the state in which the pet was relinquished and income level of owner.” (Behavioral Reasons for Relinquishment of Dogs and Cats to 12 Shelters. Salman, M.D.; Hutchison, J.; Ruch-Gallie, R.; Kogan, L.; New, J.C., Jr.; Kass, P.; Scarlett, J. *Journal of Applied Animal Welfare Science*, 3(2), 93-106. July 2000.)

“In personal interviews, people surrendering their dogs and cats to 12 animal shelters in 4 regions of the country discussed their reasons for relinquishing their companion animals and answered

questions about their own characteristics and those of their pet. The interviews identified 71 reasons for relinquishment. Personal issues lead the class of reasons for the relinquishment of cats and ranked 3rd among those given for relinquishment of dogs. The top 3 health and personal; issues cited for giving up cats were allergies of a family member to cats, owner's personal problems, and a new baby. For dogs the top 3 reasons cited were lack of time for the dog, owner's personal problems, and allergies. Analysis of these health and personal issues suggests that the education and counseling before and after acquisition of a pet, as well as the availability of temporary accommodations for pets during times of crisis, may reduce relinquishment." (Reasons for Relinquishment of Companion Animals in U.S. Animal Shelters: Selected Health and Personal Issues. Journal of Applied Animal Welfare Science, 2(1), 41-57. January 1999.)

Most troubling of all is the new trend of importing stray dogs from foreign countries due to a shortage of puppies at shelters. (Animal Shelters in USA send away for more strays many cities pounds go overseas for homeless dogs Tom Vanden Brook USA Today 1/31/03. & National Animal Interest Alliance report [www.naiaonline.org](http://www.naiaonline.org)) According to USA Today one organization alone in Puerto Rica has exported more than 14,000 strays to the US for "adoption". "Critics say many shelters have solved the stray problem in their own area—but rather than shut down, they have become de facto pet stores. Some charge more than \$200 per adoption for imported dogs." (Animal Lovers' mission is to get pets off the streets Seattle Times 10/29/01) According to the USA Today article the assistant director (Betty Bilton) of the Northeast Animal Shelter in Salem, "Bilton makes no bones about it: Shelters are on a track to compete against pet stores for the business of dog lovers." She also went on to say: "We don't feel bad if we can put a pet store out of business."

In conclusion, anti-breeding laws are indeed unconstitutional. Anti-breeding laws are not a rational solution to animal abandonment. The assumption used by animal rights activists that there exists an "overpopulation" is not based on factual information. The facts actually prove that not only is there not an overpopulation of animals but that the numbers euthanized are dramatically decreasing. A dramatic reduction of euthanasia without any anti-breeding laws or moratoriums on breeding has been achieved. Anti-breeding laws unfairly single out responsible breeders and pet owners while ignoring the true cause of animal abandonment. Anti-breeding laws are nothing more than tactics to further the animal rights agenda to end all animal use and certainly is not rational.