



Pet Law and Legislation

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The Movement Against Canine Ear Cropping and Tail Docking and the Implications for Our Purebred Breeds: Part II

"We were surprised that your subcommittee, full committee, and board of directors released such a policy without supporting data of any kind. No research was found by us proving that these procedures can be classified as cosmetic in any way, shape, or form. We only found verbiage based upon pure opinion ... The research data validates these procedures as providing medical benefits." Letter of Response by the Staffordshire Terrier Club of America (STCA) to the American Veterinary Medical Association's change of cropping/docking policy guidelines.¹

THIS IS THE SECOND of a two-part series examining cropping and docking and the controversy that surrounds these procedures. Part I explained the history and justification of cropping and docking in purebred dog breeds. Part II will look at the recent American Veterinary Medical Association's (AVMA) Cropping and Docking policy revision and reaction to it from the purebred dog Fancy. The article will also review 2009 legislation against these procedures in several states, and the frightening specter that such laws purportedly based upon concern for animal welfare pose for all purebred dog breeds.

In November 2008, the AVMA's Division of Animal Welfare issued a policy revision regarding canine docking and cropping which rocked the United States purebred dog Fancy. This Policy simply reads:

The AVMA opposes ear cropping and tail docking of dogs when done solely for cosmetic purposes. The AVMA encourages the elimination of ear cropping and tail docking from breed standards.²

While the new policy does not prohibit veterinarians from performing these procedures, it leans towards their general classification as "cosmetic" in nature, and appealed to the Parent Clubs to remove references to cropping and docking from their breed standards.

While several Animal Rights groups hailed this decision, the response from the various AKC Parent Clubs, dog legislative groups, and the AKC itself was vigorous in its opposition. Just days after the release of this revision, the AKC issued a statement, proclaiming that "Mislabeling these procedures as 'cosmetic' is a severe mischaracterization that connotes a lack of respect and knowledge of history and the functions of purebred dogs."³ The AKC also reaffirmed their own policy:

The American Kennel Club recognizes that ear cropping, tail docking, and dewclaw removal, as described in certain breed standards, are acceptable practices integral to defining and preserving breed character and/or enhancing good health. Appropriate veterinary care should be provided.

Strongly worded reactions from a number of AKC Parent Clubs did not mince words as to their beliefs for the driving force behind this AVMA policy revision. The Poodle Club of America disparaged what they saw as the ultimate goals of this shift:

It is with some concern that the Poodle Club of America questions the AVMA's standing on cropping and docking as an animal rights directive and not as a support of animal welfare; one being political and the other being a humanitarian issue. The docking of dogs' tails is a practice which has been carried out for centuries in order to avoid tail damage, for hygiene and other reasons. There are over fifty traditionally docked breeds which are recognized by the American Kennel Club.⁴

Maintaining similar ideas, the United States Kerry Blue Club proclaimed:

It is the aim of the membership of the United States Kerry Blue Terrier Club, represented by its board of governors, to defend the practice of docking tails in our breed based on practical reasons. Thus we provide ... sound arguments against the AVMA recommendation which seems to be driven by Animal Rights agenda.⁵

Now on the defensive, the AVMA responded to this criticism. In an online JAVMA News article subtitled "Science doesn't show therapeutic benefits of cosmetic procedures", they acknowledged the support of an Animal Rights group, the Humane Society of the United States, for their policy revision. However, they stated that the shift came about not by "capitulation" to these activist groups, but rather through internal review requirements for policies originating with the AVMA's Animal Welfare Division. The AVMA also insisted that this policy revision is "consistent with earlier iterations on the subject".⁶

Acting quickly to show what they believed to be the AVMA's failure to provide a scientific basis for the policy change, a forceful offensive was mounted by the American Rottweiler Club (ARC). Diligently pouring through reference materials in the AKC Library and a number of veterinary journals, they amassed a voluminous collection of articles which they believed vindicated cropping and docking as scientifically supportable procedures, available from the ARC's Legislation Information Center: < <http://www.amrottclub.org/bsl/bslmain.htm> >

ARC states: "The results of the research and audit conducted by the ARC clearly show that the revised AVMA policy is not based on any data-driven science whatsoever, but rather a political philosophy, which signals a new and disturbing change from within the AVMA organization."⁷

Using the momentum provided them from the AVMA policy revision, Animal Rights groups and their legislative sympathizers swiftly introduced bills in several states to restrict these practices, or even to ban them entirely. One of the first was Illinois SB 139, introduced in February 2009 as an amendment to the Illinois Humane Care for Animals Act. This bill would have classified any docking or cropping not performed by a veterinarian "for medical reasons only" as "animal torture" under Illinois code, to be treated automatically as a felony offense. The Illinois State Veterinary Medical Association issued a strongly worded position statement against this bill, claiming that such legislation would interfere with the professional practice of veterinary medicine in the state:

Defining the scope of veterinary practice outside of the Illinois Veterinary Medicine and Surgery Practice Act of 2004 would set a dangerous precedent for all medical professions. The appropriate standard of veterinary care should be based on the best available science and veterinary understanding of the needs of clients and their animals. The alternative would be to allow the appropriate standard of veterinary care to be defined by the arbitrary, continuously shifting perceptions of people that are not educated in veterinary medical science.⁸

Due to these combined efforts of veterinarians, sportsmen, and dog breeders, Illinois SB 139 became a "shell" bill through removal of substantive language and was not re-introduced.

An even more onerous 2009 bill was New York's Assembly

Bill 07218. Not just restricting tail docking to "protect the life and health of the dog" as per veterinary opinion, this bill stipulated: "Any person who shows or exhibits a dog, the tail of which has been cut, altered, or operated upon ... at a show or other exhibition in this state ... is guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars."⁹

The primary goal of this Animal Rights-driven bill was obviously not to protect the well-being of dogs, but rather to restrict the ownership and showing of purebred breeds in New York State, and thereby eliminate formal dog shows in this state. This bill would have prohibited not just the showing of docked dogs by New York residents, but also the showing of docked dogs owned by non-residents at New York shows. Had it been enacted, the havoc and loss of revenue A07218 would have caused Westminster and other New York dog shows would have been enormous. But, of course, that was the obvious intent!

Even more ominous in this New York legislation was a clause which stated that:

Any dog owner who is injured or damaged in any way by a violation of the foregoing provisions in this section, or any New York Animal Rights organization, may institute and maintain the Supreme Court of this state a private right of action, including a proceeding for a declaratory judgment, to obtain redress for such injury or violation.⁹

In other words, Animal Rights fanatics would have been given civil powers of enforcement as written into this law! Fortunately, this bill did not pass.

It would be erroneous to think that only owners of docked or cropped breeds are opposed to such restrictions. For example, the Akita Club of America, representing a breed which is not docked or cropped, stood staunchly against New York A07218, writing:

Fifty AKC recognized breeds dock tails and would not be permitted to exhibit at New York shows under this legislation making it impossible for the AKC clubs to host their events. Clubs would be forced to look for venues outside of New York State in which to hold their shows. Though Akitas are not a docked breed, our members understand the need for the humane docking of tails for many sporting dogs and Terrier breeds. This procedure is done to protect these dogs from injury while they perform the work that they are bred to do.¹⁰

Many owners of undocked/uncropped breeds are likewise joining forces with owners of docked/cropped breeds to oppose restrictive legislation limiting these procedures. These Fanciers are fully cognizant of the real intent of these bills, which is not the promotion of animal welfare, but rather a full-fledged frontal assault on the owning, breeding, and showing of purebred breeds, with the sinister goal of the elim-

See **Milde** on page 60

Same thing with a sit/stay but instead of walking around the dog back to heel position again, I keep going for some distance before I call him to heel. Variation comes when I occasionally will walk around him and come back to heel position, hesitating briefly before I move out.

Many handlers are entering the various wild card classes that clubs are offering. Too often they don't take full advantage of the opportunity to encourage the dog. You can give words of praise during the exercises EXCEPT the signal exercise in WCU. Extra commands will be scored up to full points off if it is a principal part of an exercise. Certainly if the dog failed to drop on command or signal, I would immediately give another command. The regulations even give examples of permissible words of praise that you can use. Like everything else, they can't cover all the words that will mean praise to different dogs. It is important to know what is considered the principal part of an exercise—where an extra command will mean an NQ—and the non-principal parts where the extra command will just mean points off. Even on the signal exercise in utility, if the handler gives a verbal "heel" command because the dog has lost focus, it will just be points off. However too many extra commands will result in the NQ.

Remember you can use almost any word you wish as long as both you and the dog understand what action is meant by that word. Personally I try to keep the commands short and simple. For my benefit! Don't get too clever about commands. Years ago there was a handler that usually showed two or three dogs in a class all the same breed. He used different fin-

ish commands for each dog. Well and good except when he gave the wrong command to the dog he was showing and the dog sat there thinking, "Oh oh, I am being set up. That is not me so I won't do anything." Sure a second command to finish is not an NQ but those points off hurt when one is aiming for a top score and placement.

Think about what verbal commands you use. At a recent "rent a ring" time, someone was using the word "forward" as her heel command. It would be permissible. But the judges will tell you "forward" at the start of the heeling exercise and the dog may well respond to the judge's command before the handler gives hers. Anticipation and points off. That is a major problem when training by yourself not having different people run you through and give commands. Take advantage of any chance you get to have someone work with you so you can make sure your dog waits for you rather than follow the judge's directions! While in the ring you should respond to the judge's command quickly, but in a training situation, always delay a moment or two to make sure the dog is responding to you and not the judge.

I wrote in my last column about Guess being bit on the head by a spider at the October Chattanooga trial. It took almost a month before the bites finally drained all the poison and they healed. Thankfully there is no scar and the hair has grown back and is black. I had full visions of him ending up with a bit of a white patch above his left eye. I am also very grateful that the bites were not any closer to his eye than they were.

Milde ... from page 58

ination of all purebred dogs. While the Fancy dodged such bullets in 2009 as New York's A07218, there is no doubt that Animal Rights activists are planning similar legislative assaults in additional states in years to come. It will take the work of all purebred owners to ensure the defeat of such legislation and the continuation of our cherished purebred dog breeds.

(Endnotes)

- ¹ Rapinchuk, Tom. (2009). Letter of response from the Staffordshire Terrier Club of America to the AVMA. Docked Tail Statements compiled by MASSFED <<http://www.massfeddogs.org/Downloads/TailDockStatements.pdf>>
- ² "Ear Cropping and Tail Docking of Dogs." (2008). American Veterinary Medical Association. Oversight: AWC; HOD 07/1999, EB revised 11/2008. <http://www.avma.org/issues/policy/animal_welfare/tail_docking.asp>
- ³ AKC Statement on AVMA Crop and Dock Policy. (November 21, 2008.) <http://www.akc.org/news/index.cfm?article_id=3659>
- ⁴ Fishler, Mary Ellen, as representing the Membership and Board of Governors of the Poodle Club of America in a letter to the AVMA. (April 14, 2009.) Docked Tail Statements compiled by MASSFED. <<http://www.massfeddogs.org/Downloads/TailDockStatements.pdf>>

⁵ Rogers, Thomas W., President, United States Kerry Blue Terrier Club, as representing the Membership and Board of Governors in a letter to the AVMA. (March 19, 2009.) Docked Tail Statements compiled by MASSFED. <<http://www.massfeddogs.org/Downloads/TailDockStatements.pdf>>

⁶ Ear crop, tail dock policy not a radical departure, AVMA says. (March 15, 2009.) JAVMA News. <http://www.avma.org/onlnews/javma/mar09/090315c_pf.asp>

⁷ American Rottweiler Club's Position Statement Against the AVMA Revision. (June 17, 2009.) <<http://legislation.americanrottweilerclub.org/wp-content/uploads/2009/06/arc-final-avma-responseapart-one.pdf>>

⁸ The Illinois State Veterinary Medical Association. "Please Oppose Senate Bill 139". (2009). <www.isvma.org/legislation/2009_session/position_statements/sb139.doc>

⁹ New York State Assembly, Text – A07218. 2009-2010 Regular Session. (March 26, 2009.) <<http://assembly.state.ny.us/leg/?bn=A07218&sh=t>>

¹⁰ Kaplan, Lawrence, Corresponding Secretary, Akita Club of America. "Please Oppose AB 7218." (April 15, 2009). Docked Tail Statements Compiled by MASSFED. <<http://www.massfeddogs.org/Downloads/TailDockStatements.pdf>>