
United Kennel Club: This Means War, by Cindy Cooke

At 8:45 on the morning of September 11, 2001, I was in a hotel room at Newark airport. I was getting ready to go to a meeting, scheduled to start at 10:30. I had the TV news on while getting dressed when the newscasters suddenly announced that a plane had crashed into the World Trade Center. I looked out the window and saw the black smoke coming from one of the towers. My only thought was concern for a friend who worked at the World Trade Center. After assuring that she was okay, I walked down to the meeting, which was delayed because everyone was crowded around a television set, watching the news. None of us thought it was anything worse than a terrible accident. At 9:03, however, we saw the second plane first approach and then burst into flame as it entered the second tower. I turned to the woman standing next to me and said, "We're at war."

I'm not writing this month's column to convince you that we should be at war in Iraq or Afghanistan, but rather to talk about a war on our own shores, a war where the casualties are piling up. I'm talking about the war between dog owners and the Humane Society of the United States (HSUS).

We've been at war for a long time. Like Al Qaeda, the leaders of the HSUS patiently prepared for war. Long before we even suspected their intentions, the current leaders of HSUS were honing their fund raising skills and their talent for manipulating the media. Again, like Al Qaeda, HSUS didn't start with a big, all-out attack. Al Qaeda attacked some embassies and the USS Cole before 9/11. HSUS skirmished with animal owners in hundreds of local battles. At first, HSUS sought easy targets. Fur farmers, for example, were a common choice. There weren't many of them, and fur coats were associated with pampered, rich women. Most of us were not affected by the attacks on the fur industry. Circuses, hunters, farmers, and restaurant owners were other common targets, and for a long time, the good guys won about half the time. If we had paid attention, we would have had a preview of the battle to come, but we didn't.

It's not like we weren't warned, but we didn't listen. Patti and Rod Strand wrote a book in 1993 entitled *The Hijacking of the Humane Movement: Animal Extremism*. Most of us didn't read it until years later. Sportsmen were the first group of dog owners to recognize the threat. They wisely organized to resist the threat to their rights to hunt and fish, but they ignored the wider threat to all animal ownership. Dog owners who didn't hunt paid no attention at all to the steady erosion of hunter's rights. We were all so busy minding our own business that we didn't even see that HSUS was planning a 9/11 for us - for all of us.

Last year, HSUS rolled out their equivalent of planes crashing into towers - it's called "Mandatory Spay/Neuter Law", or MSN for short. The typical MSN law requires all dogs and cats to be spayed or neutered by age four months unless the animal's owner obtains an expensive breeding permit, allowing a single litter a year. Last year's California Assembly Bill 1364 sent shockwaves through the country. The scales fell from the eyes of dog owners who suddenly knew that we were at war - at war with a well-funded, politically sophisticated enemy, who has been devising their strategy for decades.

Like Americans after 9/11, we were quick to fight back. We rallied our forces, raised money, wrote letters, attended meetings and forced AB 1364's sponsor, Assemblyman Lloyd Levine, to withdraw his bill. We patted ourselves on the back and congratulated each other on winning the big one. But it wasn't the big one; it was the first big one. Not long after Levine withdrew his bill, Los Angeles passed an MSN ordinance for all of LA County. Within the first two months of 2008, MSN bills were being considered in New Jersey, Virginia and Arizona. Just weeks after UKC hosted the Canine Registry conference in North Las Vegas, Nevada, that community passed an MSN ordinance.

All across America, HSUS sleeper cells are waking up and invading the homes of American citizens. Disguised as city attorneys, animal control officers, or as representatives of so-called “humane” organizations, these animal rights “true believers” are in positions where they can push for MSN ordinances and dog limit laws. Many of the new animal control ordinances are patently unconstitutional, but they are enforced because dog owners don’t have the resources to fight back.

If recent legislation hasn’t convinced you that we are fighting for our very survival, maybe the story of Robert Attleson will wake you up. Robert Attleson lives in Littleton, Colorado, where he and his long-time partner, Melissa, raise English Setters. In addition to breeding and showing dogs, Bob is active in an organization called “All Setter Rescue.” Bob has lived in his home long enough that his mortgage is paid off, so about 18 months ago, he bought the house next door, partly as a tax shelter. The number of dogs at Bob’s house fluctuates as he raises and sells his litters, and moves the occasional rescue dog in and out. In the decades that Bob has lived in Littleton, not one complaint has been lodged against him for barking, for smells, or for letting his dogs run loose. When the Littleton city leaders passed a dog limit law, Bob thought his second property would keep him within the requirements of the law. The city fathers didn’t see it his way. Instead, Bob became a target for harassment by animal control. Like most citizens who have never had to fight their own government, Bob tried to be reasonable, but he soon realized that he would have to leave Littleton altogether.

He purchased property 60 miles outside of Littleton, but couldn’t move his dogs immediately because he needed to put up fencing. On February 14, Bob told city officials that he would have all of the dogs out of Littleton by February 18. Animal Control insisted on a meeting with Bob on February 19 to verify that the dogs were indeed gone, so they agreed to meet at 10 a.m. Having settled this, Bob and Melissa headed out to the Plum Creek Kennel Club dog show the following morning to show their English Setters, Pig and Jo, in the Best Brace competition.

Meanwhile, animal control, knowing that Bob was out of town at the dog show, requested an emergency court hearing on Friday, February 15. The Court called Bob’s home and left a message informing him of the hearing. When he failed to show, the Court issued a fugitive warrant and authorized animal control to seize Bob’s dogs. According to a neighbor, animal control staked out Bob’s home to ensure that Bob and Melissa actually left the house before the raid. Neighbors told Bob that animal control came to the house, and when no one answered the door, departed quickly. What the neighbors didn’t know was that animal control was going back to the judge to request a forcible entry warrant. About four in the afternoon, four police cars, two animal control vehicles (one from out of town, since Littleton only has one animal control truck), six police officers and two animal control agents arrived at Bob’s two houses. A battering ram was used to break down the front door of the first house and the back door of the second. A window was broken so that officers could hand a litter of nine four-week-old pups through the window to waiting animal control officers. In total, four adult dogs, including the dam of the still-nursing pups, were removed from the two houses, and sent to the Colorado Humane Society. (Note: Just a few months ago, the Colorado Humane Society was the subject of a criminal investigation by the state Attorney General because of questions of financial management and care of the animals. As a result, the city of Littleton actually canceled its contract with Colorado Humane. Interestingly, the current Littleton animal control officer is a former employee of Colorado Humane.)

Melissa came home about 6:00 to check on the puppies. Seeing her doors broken down and windows broken, she raced inside to discover that her dogs were gone. There was a note telling Bob that when he came home from the dog show, he was to turn in his three show dogs to animal control. The note included an order from the judge that none of Bob’s dogs were to be returned to him or to any person who may be a friend of Bob’s. Melissa finally reached Bob on his cell phone. He was happily telling her that their brace of English Setters had won Best Brace in Show

when Melissa told him that he needed a criminal lawyer, and fast. Bob took the three show dogs to their home in Strasburg.

Remember, this is Friday evening of a three-day weekend. Still, Bob had a lot of friends and by Saturday morning, he had located an attorney. On Sunday, he met with attorney Susan Martin and began preparing to fight back. Bob wasn't sure if the court had issued an arrest warrant, so he spent the rest of the weekend in Strasburg. His priorities were simple. First, he wanted his dogs back. Second, he wanted to stay out of jail. Third, he wanted to fight back.

His lawyer set up an emergency hearing on the following Friday, February 22. The charges against Bob were two counts of violating the three-mammal limit law, one count of having an unlicensed kennel, and one count of endangering the animals, based on a single allegation that an animal control officer inspecting in 2007 smelled urine.

During the pre-hearing negotiations, the prosecutor agreed to let Bob have all of his dogs back, but he had to plead guilty and agree to an outrageous sentence. This deal allowed Bob to meet his top priorities - he got his dogs back and he didn't have to go to jail. However, he got three years deferred jail time, \$3,000 in fines and another \$1,000 to reimburse the county for the "care" of his dogs. In addition, for the next three years, animal control may make unannounced inspections of his two homes in Littleton, and Bob is not allowed to bring a dog into Littleton, even to go to the veterinarian. Finally, Bob was forced to agree to an inspection of his Strasburg property by the city of Littleton.

None of the above penalties are authorized by law. The penalty for violating the limit law in Littleton is a fine, not to exceed \$999. By holding Bob's dogs as hostages, the city was able to force him to agree to penalties that the court could not have legally imposed.

If California Bill AB 1364 didn't wake you up, maybe the story of Bob Attleson will do it. As with 9/11, we're coming late and unprepared to the toughest fight of our lives. Every dog owner must write one letter, make one phone call, and put up some money to stand up for our rights. If you don't act, you may well be the last houndsman in your family.

Note: Gary Knapp of West Virginia asked me to put in a good word about West Virginia Senator Clark S. Barnes (R-District 15). Senator Barnes is working to protect the rights of dog owners by requiring a high standard of evidence before animal control can confiscate dogs. If you live in West Virginia, don't forget to support our friends in high places.

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment. And the use, as evidence in a criminal proceeding, of facts ascertained by such intrusion must be deemed a violation of the Fifth.

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Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

--Justice Louis Brandeis OLMSTEAD v. U.S., 277 U.S. 438 (1928)
