

## Sportsmen's and Animal Owner's Voting Alliance

### **ALERT: AKC-HSUS-Santorum S1139 Anti-Dog Owner Bill Detailed Status Report and Action Plan**

#### **September 22, 2005 PAWS Update and Support Request**

The first and likely only S1139 fact-finding hearing is expected to be scheduled in the very near term, perhaps by October 7, 2005. SAOVA is concerned that Senator Santorum's PAWS bill may not get thorough scrutiny by the Senate Agriculture Committee due to the press of Hurricane Katrina and Rita responses, U.S. Supreme Court vacancies, government spending bills and other congressional business. This situation is compounded by Senator Santorum's chairmanship of the eleven member [subcommittee](#) which plans to hold what could be the only PAWS fact-finding hearing and the fact that his office, rather than committee staff, are logging the telephone Yeas and Nays on PAWS.

The subcommittee's staff reports to Mr. Santorum and has indicated the only testimony received during the hearing will be from parties that support the bill's basic premise, i.e., that the Animal Welfare Act's regulation of pet animal care needs a total overhaul. It's possible that the few subcommittee members present during such a hearing will hear one-sided, biased testimony favoring this devastating bill and little more. A six member quorum could subsequently report out a cosmetically amended PAWS bill for full committee consideration.

All of our efforts to-date to educate legislators about PAWS's adverse impacts will have been wasted if the full committee rubberstamps a bill developed through such a process. Should the [full Agriculture Committee](#) report out S1139, the Senate will pass it.

We need to immediately launch an aggressive program to ensure all parties concerned with PAWS are permitted to testify and that our legislative supporters attend both the subcommittee fact-finding hearing and any PAWS markup session.

Considering the havoc caused by Hurricane Katrina and the outpouring of generosity recently shown by so many of you - it is with great reluctance that I ask for contributions to implement this NO PAWS program.

An ad hoc group of three organizations that have taken a high profile in this legislative struggle need your monetary assistance to fully respond to this threat to our way of life. The three groups cooperating in this effort are the Sportsmen's and Animal Owners' Voting Alliance, the [North Carolina Responsible Animal Owners' Alliance](#) and the [Dog Federation of Wisconsin](#). These organizations have already gone on record with the Senate Agriculture Committee, opposing PAWS. Our August 28, 2005 filing may be viewed [here](#).

[Cover Letter](#)

[PAWS Opponents List](#)

[Santorum Rebuttal](#)

[Helsdon PAWS Analysis](#)

[Ann Billington Letter](#)

Even the most dedicated and experienced advocates, carrying out the best designed lobbying program, can only do so much when matched against the resources of the AKC, HSUS, DDAL, ASPCA and PETA. Our NO PAWS program's anticipated out-of-pocket expenses for the congressional session ending this fall are \$15,000, less than 0.5% of what we estimate AKC alone has spent trying pass PAWS. Consider what you have invested your animals and what you spend on them annually. Please find a way to support this critical, pro-active NO PAWS effort. Time is of the essence.

## June 21, 2005 PAWS Update

### Summary

In the last two weeks, this website registered over 2500 hits, as people visited to learn more about Sen. Rick Santorum's S1139 (PAWS) bill, the Animal Welfare Act (AWA) amendments jointly supported by the AKC, HSUS and DDAL. Those visitors now better understand that PAWS is a bill that severely threatens rescuers, sellers of dogs for hunting, security and breeding purposes, pedigreed cat owners and some dog breeders. Efforts to convince the AKC to drop its support for this bill have failed, although a Board of Directors' June 12th vote on the issue was a split one.

The AKC has mounted an aggressive defense of its PAWS actions on several fronts. That defense mischaracterizes the Washington political situation, the need for AWA amendments and the nature of AKC's collaboration with animal rights groups. More significantly, the AKC has failed to acknowledge its reduced ability to further influence PAWS's legislative development in Congress or the very specific, serious flaws in PAWS as it was introduced. Fundamentally, the AKC refuses to admit that it abetted the creation a major problem for animal owners. Instead, it's stonewalled and filled the Internet with self-serving and misleading statements about PAWS.

Thank you to the members of the Sawnee Mountain Kennel Club of Georgia and the Dog Federation of Wisconsin for their early donations!

It's particularly telling that Dr. Carmen Battaglia, a well-known and respected figure in the dog world and an AKC Director who voted against the AKC's support of PAWS, has chosen to make his concerns with the registry's PAWS position and rationale public, [contradicting the AKC's statements](#). His statement indicates the AKC's underlying rationale is flawed, the bill itself poorly written and dangerous and he urges its defeat.

A very large group of national animal organizations, other registries, breed clubs and state federations have announced their opposition to PAWS. [HSUS](#) and [DDAL](#) have launched concerted grass roots efforts to persuade legislators to cosponsor the measure and the battle has been joined.

The materials below discuss these matters more fully, SAOVA's second communication with the AKC's management and a request that hunting dog and other animal owners join in the revised Defeat S1139 (PAWS) Action Plan.

### The current Washington political scene

AKC's stated PAWS rationale is that Sen. Santorum, HSUS and DDAL were going to pass AWA legislation, with, or without, its support. Further, dog owners were better off with James Holt, AKC's consultant, working on the inside, rather than the outside, objecting to any bill. Setting aside the question of whether AKC proffered goals require new law and their overall importance to dog owners, AKC's political premise is deeply flawed.

There is virtually no chance that PAWS can pass, without very much broader support. Its defeat is assured if organizations and individuals vigorously oppose it. Conservative Republican Saxby Chambliss now chairs the Senate Agriculture Committee. In 2001-2002, during the consideration of Sen. Santorum's last puppy protection act (PPA2), Tom Harkin (D), an animal rights supporter, had the chair. The House Agriculture Committee continues to be strongly opposed to any animal rights radicalism. In 2001-2002, a Democratic controlled Senate Agriculture Committee attached PPA2 to the Farm Bill and the House conferees knocked it out. The Senate's dynamics have totally changed since 2002, to HSUS's and PAWS's detriment. Finally, Rick Santorum may well be defeated in his November 2006 reelection effort. He has the highest home state negatives of all 100 senators. AKC's in the wrong game, for all the wrong reasons.

### PAWS Opposition

SAOVA's June 7th call for an AKC Boycott due to its support of PAWS was designed to quickly attract attention to this measure and its likely severe consequences for animal owners. We were successful in forcing the AKC to answer questions about its PAWS support and put that support to a Board of Directors vote on June 12th. Four of twelve directors voted against supporting PAWS, with a fifth reported objection not recorded due to an illness absence.

Those Delegate-Directors opposing PAWS include the following

Dr. Carmen L. Battaglia - German Shepherd Dog Club of America  
Thomas M. Davies, DVM - Springfield Kennel Club  
Ken Marden - German Shorthaired Pointer Club of America  
Asa Mays, DVM - Hutchinson Kennel Club (absent)  
Patti Strand - Dog Fanciers Association of Oregon

Following that meeting, on the next day, ~450 AKC club delegates heard an extended, broad bush briefing praising PAWS from James Holt. There wasn't a single question asked, including the obvious one of why four legislation-knowledgeable directors had voted against PAWS 24 hours earlier. Subsequently, the AKC launched a blizzard of press releases, interviews, website postings and email exchanges in an effort to defend its role in PAWS and respond to some of the bill impact criticisms and its animal rightist partnership. It's clear that PAWS confuses many animal owners and AKC's efforts haven't been designed to overly clarify or acknowledge critical mistakes made during the bill's negotiation.

The nature of AKC's commitment to Senator Santorum, HSUS and DDAL compounds the negotiating error problems. AKC, as a party to a negotiated bill and a committed supporter, can't seek further changes in PAWS, without HSUS and DDAL also having the opportunity ask for their unfilled objectives, putting animal owners at even greater risk. AKC has dug itself into a very deep PAWS hole, which is the subject of [SAOVA's second AKC communication](#).

Fortunately, the wide publicity given to PAWS since its introduction has generated considerable opposition. [The list of organizations formally opposed to PAWS grows daily](#) and currently numbers 360+ groups, including thirty-nine AKC parent breed clubs, thirteen AKC state federations and fifty-two national entities. AKC's PAWS support has also spawned a series of [political cartoons](#).

## What are PAWS's critical design and language problems?

1. The term "dealer" means any person who buys, or sells any dog for hunting, security, or breeding purposes.

New AWA (PAWS) language shown in red and key wording highlighted in bold.

"The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of,

(1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or

(2) any dog for hunting, security, or breeding purposes, or

(3) any dog imported from outside the United States, unless the dog is imported by the person for the use and enjoyment of the person,

**except that this term does not include-**

(i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer, or which sells any dogs imported from outside the United States; or

(ii) any person who, during any calendar year-

(I)(aa) sells not more than 25 dogs or cats at wholesale or to the public; or

(bb) does not whelp more than 6 litters of dogs or cats and sells only dogs or cats bred or raised on the premises of the person directly at retail to persons who purchase such animals for their own use and enjoyment and not for resale; and

(II) derives ...

Previously, AWA's entire determination of who was a federally licensed dog seller ("dealer") hinged on the type of sale involved, wholesale or retail. PAWS's (3)(ii)(I)(aa)/(bb) discards that regulatory structure and substitutes one that requires that dealer determinations be based on numbers of dogs sold or litters bred, without regard to wholesale or retail sales.

It does this in an awkward, governmentese way, by exempting from licensing certain sized sellers (25 and fewer dogs or homebred litter production), rather than straightforwardly defining the licensed seller class. Most small breeders and dog resellers probably believe that they can live with the limits specified and don't look further.

The critical problem here is that AKC and the animal rightists HSUS and DDAL left provision (2) unchanged.

The term "dealer" means any person who buys, or sells any dog for hunting, security, or breeding purposes

That definition is obviously in conflict with a seller meeting the (3)(ii)(I)(aa) and (bb) exemption requirements. SAOVA, on behalf of its hunting dog owner constituents, would have few concerns with PAWS if provision (2) had been deleted, as it should have been. It amounts to a double licensing test to which other breed groups aren't subjected.

Mr. Holt and others at the AKC have replied to some of SAOVA's criticisms of PAWS through various media, but only Mr. Holt has spoken to me directly. His sole response was that this double licensing doesn't matter, it's always been that way, and that Sen. Santorum (HSUS) didn't want to change it. The reason that this provision hasn't been an active concern before

today is that USDA took four years to write the (2) implementing rule and it wasn't until October 21, 2004 that the agency decided it would enforce this licensing requirement on \*\*only those dog owners selling to wholesalers.\*\* If the AWA's determination of licensees based on wholesale-retail sales is abandoned in PAWS, that protracted decision making process is back to ground zero and \*all\* hunting dog sellers are again potentially subject to USDA licensing.

That risk would be eliminated if PAWS deleted (2). There's no need for it, if hunting dog sellers are to be treated no differently than any other dog seller with numerically limited sales, the new licensing criteria. Why wasn't this done? Mr. Holt says it's because Sen. Santorum "didn't want to." That's not an acceptable answer. Where do you think he and HSUS are coming from here, except to justify writing more restrictive USDA licensing rules for sellers of hunting, security and breeding dogs?

### *2. Many, if not most, rescuers are federally licensed under PAWS*

Rescuers are currently not required to have a federal license. This has nothing to do with their tax or non-profit status. There is no AWA "rescue exemption." A rescued animal placed in return for an adoption fee is considered a sale like any other, under the AWA and the U.S. Commercial Code. Rescuers are considered retail sellers, and as such, aren't today licensed. PAWS, in abandoning the wholesale-retail sales distinction, places rescuers in the same class as any other reseller. They are limited to 25 sales per calendar year. A 26th placement by an individual rescuer or organization requires that entity be licensed.

### *3. Pedigreed cat breeders are destroyed by PAWS*

AKC, in not consulting with any other dog or cat registry during PAWS's development, has aided in writing a bill that destroys pedigreed cat breeding. A pedigreed cat-breeding program requires frequent breeding to maintain the queens' health. No cat breeder has ever before been subject to AWA licensing. By including cats in the PAWS language above and establishing breeding and selling limits based on canines, AKC has risked destroying pedigreed cat breeding.

Even if you're not a cat lover, this should disturb hunting dog owners a great deal. The cat owners represented by the Cat Fancier's Association (CFA) have steadfastly supported our efforts to defeat anti-hunting legislation for years. This has been particularly true in California. They were also an integral part of the coalition that defeated Sen. Santorum's PPA2. You just don't do this to your friends. What goes around, comes around. This action raises serious questions regarding AKC's PAWS goals.

### *4. PAWS Enforcement Concerns*

The AKC has ignored questions about all registries' need to share their registration database with the USDA to determine which dog owners exceed PAWS's numerical limits for dogs sold and litters raised. It's hard to imagine how else such a system can be enforced. It has been somewhat more forthcoming about its PAWS business objectives. The AKC continues to lose core business (registrations for Jan 1- May 31, 2005 indicates dogs down 3.9% and litters down 4.6%) and feels the pressure - "There are now 24 other registries out there, in addition to the AKC, all but one of them for-profit operations. Collectively, they register more dogs than the AKC does." as [reported](#) by Mr. Holt and CEO Dennis Sprung.

Mr. Holt's [Dog News Q&A](#) makes AKC's competitive goals even clearer. Not only does he indicate that the AKC believes separate standards should apply to so-called PAWS "high-volume residential breeders", he suggests that those federal standards should be based on AKC's regulations. He further opines that AKC could/should do the federal inspections as a contractor to USDA.

With regard to its competitive position, the AKC PAWS spokesman states, "On the other hand, breeders who have left our registry because of our mandatory inspection program will now be inspected whether or not they register with us and will have less incentive to leave, and perhaps even some incentive to return in order to receive the benefit of AKC registration."

While PAWS supporters go on at length decrying hidden "puppy mills," Internet direct sellers and unregulated importers, there's been little to no factual documentation presented that dogs from these sources are any more unhealthy or less desirable pets from those obtained from other sources. In fact, the Internet has made dog purchasers smarter and more aware, not the opposite.

Less than 0.5 % of all dogs are sold over the Internet and the AKC itself permits its own website to be used for interstate puppy sales by anyone that registers a litter with it. No health guarantee or facility inspection is required, just a \$35 listing fee. Critical observers can't help but be concerned that the AKC's PAWS objectives might be financial and competition focused, and only minimally canine welfare related.

### **Defeat S1139 (PAWS) Action Plan**

We need to turn our attention to the Hill. AKC's a lost cause at this point and HSUS/DDAL are pressing their grass roots supporters to make congressional contacts. Our initial, and perhaps final, target group will be the key aides of senators serving on the Agriculture Committee and the Agriculture Subcommittee of the Appropriations Committee. It's a large group. To prevent overwhelming the staffs with what might appear to be broad spectrum spam, the preaddressed email below has the chiefs of staff of S1139's (PAWS) sponsors as primary recipients, and a large blind copy list.

Be polite. These folks can help us defeat PAWS. Use the salutation "Dear Senate Agriculture Legislative Assistant," Every message must indicate that the AKC doesn't represent you in its PAWS lobbying. Add anything else that you wish describing PAWS's severe problems.

PLEASE SURE TO CLOSE THE MESSAGE WITH YOUR NAME, POSTAL MAILING ADDRESS AND PHONE #. If you don't, your message will be discounted and perhaps totally ignored. You're also encouraged to telephone the committee staff. Agriculture (202) 224-2035, Appropriations AG Subcommittee (202) 224-5270

[Please Vote NO on S1139-HR2669 \(PAWS\)](#) Additionally, since PAWS is picking up misguided support outside of these key committees, please call or email your individual two senators and congressman and urge that they not cosponsor S1139 or HR2669. See [Vote Smart](#) for your representative's contact details. Forwarding, cross posting and citations encouraged. As additional information on S1139 & HR2669's status in Congress becomes available and specific action is advised, this page will be updated and SAOVA [regional elist alerts](#) will be emailed to you.

**June 7, 2005**

The American Kennel Club (AKC) has exposed rescuers, some hobby breeders and every seller of a dog for "hunting, security, or breeding purposes" to a very significant USDA licensing risk, involving burdensome commercial costs and inspection standards.

On May 26th, the AKC announced that it had reached a \*compromise\* with the animal rightist Humane Society of the U.S. (HSUS) to amend the Animal Welfare Act (AWA), employing Senator Rick Santorum's (R-PA) S1139, "Pet Animal Welfare Statute of 2005" (PAWS). [Both entities' press releases](#) are heavily spun, focusing on importers or sellers advertising on the Internet and don't hint at the amendments' dangers to everyday dog owners. This is Sen. Santorum's second collaboration with HSUS to amend the AWA's pet statutes. The previous attempt failed and S1139 can not become law without the AKC's active support. Its defeat is assured if the registry joins with other organizations and individuals to vigorously oppose it.

S1139 changes the AWA and USDA's existing, long-standing, legally tested basis for federal dog and cat business licensing and regulation. The current procedure is based on treating wholesale sales and retail sales differently. Reducing it to its simplest terms, under current law and USDA regulations, if you sell a dog to a wholesaler, you are regulated. Rescuers, hobby breeders and owners selling to retail buyers are exempt today. The Doris Day Animal League challenged the hobby breeder portion of this regulatory structure in court and lost in 2002.

The AKC-HSUS-Santorum AWA amendments change only a few key words in a very long statute, but their effect is profound. The critical words for breeders and hunting dog owners are highlighted below. The new system, in red, is strictly based on numbers of dogs, pups and litters with sales outlets playing a minimal role. A crucial current law fragment is underlined. USDA concluded a rulemaking last October that determined \*only wholesale\* buyers and sellers of "dogs for hunting, security, or breeding purposes" would be licensed and inspected. That important victory has been ignored in S1139.

Rather than including that provision in line (2) and adjusting the new (l)(aa) 25-dog sale limit provision, as should have been done, line (2) wasn't changed and (l)(aa) doesn't recognize such dog sellers. This strongly suggests that sellers of dogs for hunting, security, or breeding purposes could well be separately regulated as this amendment moves through the Congress or in a subsequent agency rulemaking. This S1139 disconnect is a trap waiting to be sprung.

For the first time, rescuers appear to be regulated, if they exceed the new (l)(aa) 25-dog sale limit. The six-litter exemption in red line (l)(bb) is also misleading. This only applies to dogs bred or raised on the breeder's premises. Whelp four litters of 7 dogs, resell another, or sell a co-ownership in the same calendar year and you've voided that six-litter breeder exemption and violated the 25-dog sale limit. You're now subject to USDA licensing!!

-----

"The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of,

(1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or based on treating wholesale sales and retail sales differently. Reducing it to its simplest terms, under current law and USDA regulations, if you sell a dog to a wholesaler, you are regulated. Rescuers, hobby breeders and owners selling to retail buyers are exempt today. The Doris Day Animal League challenged the hobby breeder portion of this regulatory structure in court and lost in 2002.

The AKC-HSUS-Santorum AWA amendments change only a few key words in a very long statute, but their effect is profound. The critical words for breeders and hunting dog owners are highlighted below. The new system, in red, is strictly based on numbers of dogs, pups and litters with sales outlets playing a minimal role. A crucial current law fragment is underlined.

USDA concluded a rulemaking last October that determined *\*only wholesale\** buyers and sellers of "dogs for hunting, security, or breeding purposes" would be licensed and inspected. That important victory has been ignored in S1139.

Rather than including that provision in line (2) and adjusting the new (I)(aa) 25-dog sale limit provision, as should have been done, line (2) wasn't changed and (I)(aa) doesn't recognize such dog sellers. This strongly suggests that sellers of dogs for hunting, security, or breeding purposes could well be separately regulated as this amendment moves through the Congress or in a subsequent agency rulemaking. This S1139 disconnect is a trap waiting to be sprung.

For the first time, rescuers appear to be regulated, if they exceed the new (I)(aa) 25-dog sale limit. The six-litter exemption in red line (I)(bb) is also misleading. This only applies to dogs bred or raised on the breeder's premises. Whelp four litters of 7 dogs, resell another, or sell a co-ownership in the same calendar year and you've voided that six-litter breeder exemption and violated the 25-dog sale limit. You're now subject to USDA licensing!!

(2) any dog for hunting, security, or breeding purposes, or [Emphasis added]

*(3) any dog imported from outside the United States, unless the dog is imported by the person for the use and enjoyment of the person, except that this term does not include-*

*(i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer, or which sells any dogs imported from outside the United States; or*

*(ii) any person who, during any calendar year-*

*(I)(aa) sells not more than 25 dogs or cats at wholesale or to the public; or*

*(bb) does not whelp more than 6 litters of dogs or cats and sells only dogs or cats bred or raised on the premises of the person directly at retail to persons who purchase such animals for their own use and enjoyment and not for resale; and*

*(II) derives not more than \$500 gross income from the sale of other animals." [Emphasis added]*

-----

A dog seller requiring a USDA license pays an annual fee of up to \$760, as a function of gross income, must file an annual report, keep voluminous records and is subject to random inspections to determine compliance with [60 pages](#) of care standards, which include separate, sheltered facilities kept at a temperature no lower than 45 deg F and no higher than 85 deg F.

It's very clear that this numbers of dogs, numbers of litters based regulatory scheme is unenforceable unless the dog and cat registries give the USDA access to their registration data bases, or AKC, et al act as USDA agents and identify those customers that they think deserve federal scrutiny.

WHAT'S GOING ON HERE? It's easy enough to see why anti-hunter, anti-animal owner HSUS is pushing this bill, but what's AKC thinking, supporting such an infringement of its customer's rights and interests? AKC personnel actually negotiated this language with HSUS, through Sen. Santorum's mediator. AKC's leaders decry increasing dog imports and high volume direct retail sellers that use the Internet, but there's no credible evidence that these chosen targets sell animals that are inordinately unhealthy or less satisfactory pets than the norm. To the degree there's any minimal change in animal welfare due to this bill, it will be coincidental and unrelated to its intended impact.

S1139 is about improving AKC's bottom line and competitive position. [Other registries](#) weren't consulted. Companies frequently attempt to use the government to level a business playing field, or gain a competitive advantage. This bill is designed to hurt users of other registries, at minimal cost to the AKC.

However, perhaps with the encouragement of HSUS, AKC again ignored hunting dog owners' interests. The result is a very bad bill with lots of ancillary damage. S1139 amounts to the AKC throwing the baby out with the bath water.

### **Action Plan**

Either intentionally or through carelessness, the AKC has put dog owners using all registries at significant risk. America's dog owners must insist that the AKC publicly withdraw its support of S.1139 immediately. Thus far its management has [stonewalled](#). Since the AKC has put its own business interest before that of its customers and betrayed their trust, the strongest possible message must be sent. That message is BOYCOTT AKC!.

This clickable [BOYCOTT AKC](#) email is preaddressed to AKC CEO Dennis Sprung with copies to the AKC's Board of Directors and the bill sponsors. Tell that group that unless the AKC publicly announces it no longer supports S.1139 at its June 13, 2005 Delegate's Meeting, you are prepared to move your registration business and dog event participation to registries such as the [Field Dog Stud Book](#), the [United Kennel Club](#) and the [American Canine Association](#).

As additional information on S1139's status in Congress becomes available and specific action is advised, this page will be updated and SAOVA regional elist alerts will be emailed to you. Please do your part. Everyone needs to weigh in and prevent this looming train wreck from becoming anything more serious than a colossal AKC embarrassment.

Forwarding, cross posting and citations encouraged.