



Responsible Animal Owners of Tennessee, Inc.  
3327 Lockmeade Drive  
Memphis, Tennessee 38127-6735  
"Love is not Enough"

Telephone: (901) 353-1805  
Fax: (901) 357-7443  
Email: raotinc@aol.com  
www.raot.org

## POSITION STATEMENT ON BREED SPECIFIC LEGISLATION - 2008

Responsible Animal Owners of Tennessee respectfully submits that, after diligent inquiry and research, we unequivocally oppose breed specific legislation because virtually every knowledgeable individual (geneticists, behaviorists, scientists, trainers, and veterinarians), and organization (various researchers and scientists, national humane organizations, and breeding clubs) investigating this and related issues conclude that breed specific legislation is administratively difficult, cost prohibitive, ill-advised, and not an appropriate approach to community dog-bite prevention.

Breed specific legislation is based on the erroneous notion that certain breeds are genetically more dangerous. There are two important principles that have emerged from research in behavior and genetics: (1) that virtually all behavior is influenced by genes, but, (2) that virtually no behavior is determined by genes. Simply put, even if certain breeds were genetically more dangerous, it does not follow that they will necessarily be more dangerous.

We strongly urge against the enactment of breed specific legislation and, where it has been enacted, respectfully suggest that it be rescinded. Breed specific legislation is contrary to the facts and distracts from the real issue – irresponsible ownership.

Government should enact effective non-breed specific dangerous dog law and enforce it. Animal control should focus on effective policies that blame the owner, rather than a breed or breeds of dog. Owners can and should be responsible for the actions of their pets. Educational efforts should be implemented that focus on owner responsibility, basic dog behavior, and how to avoid dog bites and attacks.

We provide the following quotes from the world's leading experts on this subject for your review:

**A. L. Podberscek BVSc, PhD, Animal Welfare and Human-Animal Interactions Group, Department of Clinical Veterinary Medicine, University of Cambridge, and J. A. Serpell BSc, PhD, Department of Clinical Studies, School of Veterinary Medicine, University of Pennsylvania** - "Analyses of the data using unpaired t-tests revealed that the owners of high aggression dogs were significantly more likely to be tense ( $P < 0.001$ ), emotionally less stable ( $P < 0.01$ ), shy ( $P < 0.01$ ) and undisciplined ( $P < 0.05$ ) than owners of low aggression dogs."

**A. Vezzoni A., R. Marchesini** - "Aggression is a normal behavior trait in the dog (Overall, 2001). It is only when this normal behavior becomes excessive or uncontrolled that the dog may become a danger (Dehasse, 2002). The behavior that a dog will exhibit results from a complex interaction of a number of factors such as genetic inheritance, conditioning and training, environmental factors and hormonal status. Aggression cannot therefore be related only to breed, and aggressive examples of all breed types can occur." *Circolare, 2000, FVE/00/039*

**Amsterdam, Netherlands, 06/09/08** - The Dutch government announced it will lift a long-standing ban on pit bulls because it did not lead to any decrease in bite incidents. Agriculture Minister Gerda Verburg has informed parliament of the decision, which follows the advice of a commission of experts appointed to review the policy. Instead, the country will focus on enforcing local leashing laws and owner education programs. Spokesman Koen Geelink said Monday the ministry hopes to have a new policy in place by year-end in which dogs that have displayed aggression will be tested by an expert. The country banned the breeding and possession of pit bulls in 1993, after three children were killed by the dogs.

**American Canine Foundation** - "Breed bans are unconstitutional and based on flawed and erroneous data which has caused lawsuits to be filed against several cities in the United States."

**American Dog Owners Association** - "The American Dog Owners Association opposes legislation that discriminates against specific breeds or phenotype classes of dogs or creates restrictions that in fact make a law breed specific."

**American Dog Breeders Association** - "A.D.B.A. opposes any breed specific legislation."

**American Humane Association** - "American Humane Association supports local legislation that protects

communities from dangerous animals, but does not advocate laws that target specific breeds of dogs."

**American Kennel Club** - "Strongly opposes any legislation that determines a dog to be "dangerous" based on specific breed or phenotypic classes of dogs."

**American Veterinary Medical Association Position Statement** - "The AVMA supports dangerous animal legislation by state, county, or municipal government provided that legislation does not refer to specific breeds or classes of animals." "Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite," warns a report from the American Veterinary Medical Association. "Invariably the numbers will show that dogs from popular, large breeds are a problem."

**American Veterinary Medical Association Task Force on Canine Aggression and Human/Canine Interactions** - "Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite." "Concerns about "dangerous" dogs have caused many local governments to consider supplementing existing animal control laws with ordinances directed toward control of specific breeds or types of dogs. Members of the Task Force believe such ordinances are inappropriate and ineffective." Their model legislation includes this statement: "A dog's breed shall not be considered in determining whether or not it is 'dangerous.'" In reference to the A.V.M.A. Report from the Task Force suggestions for a community approach to dog bite prevention, one of its authors, Dr. Gail Golab, stated: "It is frustrating for me personally because people who want to enact Breed Specific Legislation keep using the report to try and make a case against pit bulls. The whole point of our summary was to explain you can't do that."

**American Working Dog Federation** - "The A.W.D.F. strongly opposes breed specific legislation." "The A.W.D.F. believes that a dangerous dog should be defined by its actions rather than phenotype."

**American Society for the Prevention of Cruelty to Animals** – "The A.S.P.C.A seeks effective enforcement of breed-neutral laws that hold dog owners accountable for their animals' actions."

**American Temperament Test Society** - We have tested somewhere around a thousand pit-bull-type dogs," says Carl Herkstroeter, B.S. in Chemical Engineering; President/founder of and evaluator for American Temperament Test Society, says. "I've tested half of them. And of the number I've tested I have disqualified one pit bull because of aggressive tendencies. They have done extremely well. They have a good temperament. They are very good with children."

**Anthony Pobderscek of the University of Cambridge Veterinary School** - Good training beats out any minuscule genetic differences among breeds. Current dangerous dog statistics can't be trusted."

**Andrew N. Rowan, Ph.D.** - "It seems patently obvious to me that the problems of dog aggression, dog bites, and serious human injuries will not be satisfactorily addressed by a breed specific ordinance."

**Association of Pet dog Trainers** - The A.P.D.T. opposes any law that deems a dog as dangerous or vicious based on appearance, breed or phenotype. Canine temperaments are widely varied, and behavior cannot be predicted by physical features such as head shape, coat length, muscle to bone ratio, etc. The only predictor of behavior is behavior.

Carmen Battaglia, PhD (Masters and Doctorate from Florida State University), researcher, lecturer and author of several different books on dog breeding, worldwide recognition for the program he developed for breeding better dogs - "Most researchers agree that among all species, a lack of adequate socialization generally results in unacceptable behavior and often times produces undesirable aggression, excessiveness, fearfulness, sexual inadequacy, and indifference toward partners." - *In Developing High Achievers* (Originally published as "*Early Neurological Stimulation*")

**Caesar Milan, Dog Trainer and Star of the popular television series, "The Dog Whisperer,"** - "There are no killer dogs! Dogs are not born killers nor do they choose to be killers. What we are seeing in the news with the recent rash of canine violence is the tragic outcome of humans who own dogs but do not know how to properly fulfill the needs of man's best friend."

**Cincinnati Law Review in 1982, vol. 53, pg. 1077,** looked at pit bulls and concluded in part: ". . . statistics did not support the assertion that any one breed was dangerous, ..when legislation is focused on the type of dog it fails, because it is ... unenforceable, confusing, and costly . . . focusing legislation on dogs that are "vicious" distracts attention

from the real problem, which is irresponsible owners.”

**Cornelia Wagner, PhD, D.V.M., an expert on canine behavior from the University of Wisconsin,** states:  
“Blaming the genetic make-up of the dog is wrong. Environmental and learning effects are always stronger than genetic influence. It's scientifically impossible to determine which breed will bite.”

**Deborah L. Duffy, Yuying Hsub, James A. Serpell, Researchers, studying breed differences in canine aggression, found that** “The substantial within-breed variation in C-BARQ scores observed in this study suggests that it is inappropriate to make predictions about a given dog's propensity for aggressive behavior based solely on its breed. . . . Genetic and environmental factors are likely to interact to mediate the expression of aggressive behavior during development. . . . Differences between lines of distinct breeding stock indicate that the propensity toward aggressive behavior is at least partially rooted in genetics, although substantial within-breed variation suggests that other factors (developmental, environmental) play a major part in determining whether aggressive behavior is expressed in the phenotype.

**Endangered Breeds Association** - “The E.B.A. is opposed to legislation that unfairly singles out a breed(s) or type(s) of dog. Enforced non-breed specific legislation has been shown, over time, to be more effective and cost efficient.”

Esther Schalke, DVM, PhDa, Stefanie A. Ott, DVMA, Amelie M. von Gaertner, DVMA, Hansjoachim Hackbarth, DVM, PhDa, Angela Mittmann, DVM, PhD, FTAb, **Lower Saxony,** concluded, “Of the dogs tested – (Note: the study included the breeds usually included in breed specific legislation) – in the temperament test, 95% showed behaviors that were appropriate to the particular situation. Therefore, the temperament test did not suggest particular dangerousness of these dogs with regard to their behavior toward people. Furthermore, no significant difference between the breeds and type concerning exceptional aggressive signaling or aggressive behavior in inappropriate situations could be found. For this reason, breed classification that prohibits keeping and breeding one category of dogs as a matter of principle and allows dogs in other categories . . . cannot be justified.

**Fedderson - Peterson, D.U.(2001) Zur Biologie des aggression des Hundes, Disch Tierarztl, Wschr 108 (3),94-101,** “. . . environmental and learning effects are always stronger than genetic influence. Although certain dog breeds such as the Rottweiler and American Pit Bull Terrier have the reputation of having stronger jaws than other breeds, valuable scientific studies showing significant differences in jaw strength among breeds does not exist. In summary, the classification of dog breeds with respect to their relative danger to humans makes no sense, as both the complex antecedent conditions in which aggressive behavior occurs, and its ramifying consequences in the individual dog's ecological and social environment are not considered.”

**Gerald S. Post, PhD, DVM, ACVIM (Oncology), ACF Founder and Chairman. Dr. Post, Chairman and Founder of the Animal Cancer Foundation** - “...this breed of dog (pit bull) is just like all dogs; if treated with respect, kindness and compassion, they will treat you likewise.”

**George Padgett, D.V.M., Canine Geneticist and Pathologist; Michigan State University** (Retired professor) - “It's ludicrous to lay claim that an entire breed is vicious, the American Pit Bull Terrier breed is not vicious, within the breed there can be vicious dogs, just like with all other breeds.”

**Glen Bui, B.S. in Genetic Engineering, Companion Animals Behavior Counselors Association member** - “To state that a breed of dog is aggressive is scientifically impossible. Statistics do not support such a finding. Dogs have been domesticated for thousands of years and within all breeds there can be dangerous dogs because of owner issues such as training the dog to attack, lack of training and socialization.”

**G.W. Jennens, The Role of Research and Behaviour in Legislation and Community Attitudes,** “Dog attacks on people result from many interacting factors. Dogs are not born aggressive, although some may be more likely to bite because of their breeding or sex. Most dogs bite people because they are frightened, dominant, protective or possessive. These behaviours can be prevented or controlled by responsible breeding, adequate socialisation, obedience training and careful management of the dog. Other causes of attacks on people include mishandling or abuse of the dog, a medical or physical condition and the victim's behaviour.” And, “Independent and objective research is a necessary prerequisite to reducing the seriousness and frequency of animal management problems. For example research has shown that

measures introduced to prevent dog attacks and overpopulation aimed at the dog alone, such as banning breeds, declaring a few dogs dangerous and sterilisation are likely to be ineffective. . ."

**Howard Evans, PhD, Professor Emeritus, College of Veterinary Medicine at Cornell University**, Ithaca New York, author of the textbook, *Anatomy of the Dog*, (the world's definitive work on the anatomy of the dog) - "I have spoken with Dr. Sandy deLahunta, the foremost dog neurologist in the country, and Dr. Katherine Houpt, a leading dog behaviorist, about a jaw locking mechanism in pit bulls or any other dog and they both say, as do I, that there is no such thing as "jaw locking in any breed."

**Humane Society of the United States** - "H.S.U.S. opposes breed specific regulations because they do not address the underlying issues of owner behavior and responsibility."

**I. Lerh Brisbin, Ph.D. – Senior Research Scientist with the Savanna River Ecology Laboratory; University of South Carolina Professor: Expert in behavior, training, and handling of pit bull terriers and their anatomy:** "The studies which have been conducted of the structure of the skulls, mandibles and teeth of pit bulls show that, in proportion to their size, their jaw structure, and thus its inferred functional morphology, is no different than that of any other breed of dog of comparable size and build. Further there is no evidence for the existence of any kind of 'locking mechanism' unique to the structure of the jaws and/or teeth of pit bulls."

**International Association of Animal Behavior Consultants** (I.A.A.B.C.) is an organization representing professional animal trainers and animal behavior specialists. The I.A.A.B.C. strongly opposes any legislation specifically designed to target or discriminate against dogs based solely on their breed or appearance.

**International Association of Canine Professionals** - "I.A.C.P. strongly opposes legislation which discriminates against dogs and their owners by labeling certain dogs as "dangerous" or "vicious" based on breed or phenotype. Breed-specific legislation does not protect communities nor create a more responsible dog owner. Instead it negatively affects many law abiding dog owners and dogs within the targeted breeds."

**Irene Sommerfeld-Stur, PhD, Institute of Animal Breeding and Genetics University of Veterinary Medicine in Vienna**, October 2002, statement concerning breed specific legislation regarding to dog-keeping "[T]here exists no valid scientific proved evidence that some special breeds are more dangerous than others. Therefore it is not acceptable from the scientific point of view to classify a single dog as dangerous only due to the breed he belongs to." And, ""A study from Great Britain (Klaasen et al., 1996) shows that the definition of certain breeds as 'especially dangerous' does not lead to a better protection of the public . . . The authors conclude that the 'Dangerous Dog Act' contributed little in view of better security of the public from dog attacks."

**Jeffrey Satinover, MD, Psychiatrist with degrees from MIT, Harvard, the University of Texas and Yale** - There is essentially no dimension of behavior which is not both environmentally and genetically influenced. Genes and environment interact in extraordinarily complex ways with each other, as well as among themselves to produce a final result; the environmental influences are multi-factorial and affect each other . . . In other words heritability of (or genetic influence on) a trait does not mean that the trait itself is genetically determined. This elementary fact of behavioral genetics is rarely explained and it seems counterintuitive to most people.

**K. De Munnynck, W. Van de Voorde** - "Over 1 million dog bites occur every year in the USA, however, fatal dog bites are rare and mostly affect children under 4 years of age and old people." Forensic approach of fatal dog attacks: a case report and literature review, *International Journal of Legal Medicine*, Volume 116, Number 5 / October, 2002

**Karen Delise, Author of Fatal Dog Attacks** - "In reviewing and studying over 448 cases of fatal dog attacks in the United States, it is apparent that the three most critical factors that contribute to a fatal dog attack are: function of the dog, owner responsibility, and reproductive status of the dog. There is no documented case where a single, neutered, household Pit Bull was the cause of a human fatality."

**Karen L. Overall, MA, VMD, PhD, DACVB, ABS Certified Applied Animal Behaviorist, Center for Neurobiology and Behavior, Psychiatry Department - Penn Med Translation Research Laboratory, Philadelphia, PA, USA** - "To outlaw some breeds, especially in the absence of the needed information . . . would not make us safer, and the illusion that it would is a dangerous one." "Breed Specific Legislation is an inappropriate response to inappropriate

owner behavior."

**Kellie Snider, Board Certified Associate Behavior Analyst , Co-developer of the Constructional Aggression Treatment for Dogs** - "Among the reasons given for legislating breed restrictions and bans in communities is the belief that genes dictate behavior. This is a mistake. . . . Pit bulls that learn that aggression works are learning just what other breeds of dogs learn under the same sets of circumstances. If pit bulls are going to be banned because of genetic tendencies, we have to ban all dogs. We need to also ban parrots. And cats. We need to ban humans, too, come to think of it. Maybe humans most of all. Pit bulls are only doing what every other organism does. They do what works. "

**Ledger, R., Orihel, J., Clarke, N., Murphy, S., Sedlbauer, M, Can Vet J Volume 46, August 2005, Breed specific legislation: Considerations for evaluating its effectiveness and recommendations for alternatives** - "Studies on the ontogeny of aggression in dogs indicate that a more realistic approach to the reduction of dog bites is through the adoption of alternative strategies. The most valuable of these include educating dog owners regarding the importance of a) not breeding from aggressive individuals; b) socializing young puppies; c) providing adult dogs with adequate care, training, and exercise; and d) maintaining control of their dogs at all times.

**Leslie Cooper, PhD, University of California, Davis Veterinary School** - "Dogs can attack people for a number of reasons, but trying to determine the actual cause amounts to little more than guesswork. Pack behavior, prey instinct and territorial defense can all provide the impetus for attacks . . . . Identifying that impetus is difficult. It's sad because in most cases ... dogs (in general) are quite nice under most circumstances. All we know for sure is that something comes together to create the right environment for the dogs to attack."

**M. Malini, PhD, DVM Canine Behavior** - "Genes do not cause anything. They don't cause breast cancer; they don't cause aggression; they don't cause blue eyes or floppy ears. Saying that genes cause problems is a device used by those who a) don't know any better or b) are seeking a quick-and-dirty way to reduce an incredibly complex concept to a sound-bite for the masses."

**Mary Lee Nitschke, Ph.D. -- Canine Behavior; Professor of Developmental Psychology, Statistics, Pet Behavior Psychology; Service Dog Trainer; Evaluator for Canine Good Citizenship and American Temperament Test Society** - "Variability in behaviour has a wider range within a breed than between breeds. Within the discipline of psychobiology and animal behaviour there is no data from empirically supported studies, published in referenced scientific literature, to support the idea that one breed of dog is 'vicious.' The adult behaviour of a domestic dog is determined overwhelmingly by its experiential history, environmental management and training."

**National Animal Control Association (N.A.C.A)** - "Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed."

**National Animal Interest Alliance (N.A.I.A.)-** "Bans against specific breeds produce relinquishment and euthanasia of well-behaved pets of the targeted breeds, while irresponsible and criminal pet owners just switch to new breeds and continue abusing their dogs. . . . unreasonable, unenforceable animal control laws erode community support for animal control. NAIA supports reasonable laws to protect the public from dangerous dogs and opposes breed-specific legislation in any form. Breed-specific laws target good dogs and responsible animal owners along with the bad."

**National Association of Dog Obedience Instructors, Inc.** - "N.A.D.O.I. strongly opposes breed specific legislation which targets or discriminates against certain dogs based only on their breed or appearance. Such laws are unfair because they assume that a dog may be dangerous simply because of breed. In fact, it is almost always the behavior of the owners of these dogs which makes them a danger to others."

**National Canine Research Council** - "Breed is never the sole determining factor in a severe or fatal dog attack. Each attack is a unique and arises out of a combination of past and present events, inherited and learned behaviors, socialization, the function, physical condition, size, reproductive status, individual temperament of the dog, environmental factors, owner responsibility or lack thereof, and victim behavior, size and physical condition, and timing."

**National Geographic Bite Force Competition** between the Pitbull Rottweiler, and German Shepherd to see which has the most bite force. It's turns out to not even be close, but a massacre. The Rottweiler destroys his 2 opponents in bite force. Logging a bite force of 328 pounds, The highest bite force ever recorded from a domestic dog. While the

German Shepherd comes in second with a bite force of 238 pounds, and the pitbull comes in third with a bite force of 235 pounds. Actual competition can be seen: <http://www.youtube.com/watch?v=R7jhrxy0HKs>

**R. de Meester, from the 10th European Congress on Companion Animal Behavioural Medicine, A Critical Review of Current European Legislation Regarding the Issue of Dangerous Dogs, Cremona, Italy, 22–23 October 2004**, "It is therefore the opinion of the author that the direct effects of classical dog aggression legislation on the reduction of the number and severity of incidents will be very limited. The problem is that the existing dog aggression legislation is almost always purely repressive and is rarely preventative. Until the opposite is proven by good statistics, the author expects that the best results will most probably be obtained by a combination of a limited, non breed specific legislation, which concentrates on the responsibility of the owner and on good prevention techniques. This legislation would need to be advertised to the public in a repetitive way, thereby increasing public concern and promoting requests for information.

**South Carolina Academy of Science Bulletin, Vol. LI, 1989** , Mechanical Advantage of the Pit Bull Jaw, ". . . I have found no evidence of mechanical advantage in the jaw of the Pit Bull as compared to other breeds of domestic dogs."

Stefanie A. Ott, DVM, Esther Schalke, DVM, Amelie M. von Gaertner, DVM, Hansjoachim Hackbarth, DVM, PhD, **Is there a difference? Comparison of golden retrievers and dogs affected by breed-specific legislation regarding aggressive behavior**, concludes: "In this research project, no significant differences in the occurrence of aggressive behavior in inappropriate situations were found when comparing golden retrievers and 6 dog breeds affected by legislation. Therefore, assuming that certain dog breeds are especially dangerous and imposing controls on them cannot be ethologically justified. Consequently, legislation in Lower Saxony was changed, and breed lists were withdrawn . . . the emphasis for preventing biting accidents should be consideration of the emotions in the dog and the effect of eliciting stimuli rather than affiliation with particular breeds. It furthermore shows that more emphasis has to be put on educating breeders and owner as well as on preventing than on solving behavior problems.

**Supreme Court of New York** - "Scientific evidence more definitive than articles discussing the dogs' breeding history is necessary before it is established that pit bulls, merely by virtue of their genetic inheritance are inherently vicious or unsuited for domestic living."

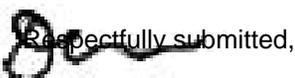
**Supreme Court of Ohio**: "Extensive, competent and credible evidence was presented by these experts which showed many of the beliefs and "myths" about pit bulls to be simply untrue and unsupported by now accepted scientific, genetic, medical, or canine behavior principles. When discussing pit bull characteristics, much of the testimony by appellee's four witnesses related to pit bulls which have been trained to fight and be aggressive. Appellant's experts and witnesses, on the other hand, testified generally about the breed as a whole. They emphasized that the greater population of pit bulls in the United States are not used for pit fighting, but are well-trained, obedient dogs used in competitions and as family pets. The trial court noted that all the animal behaviorists from both parties testified that a pit bull, trained and properly socialized like other dogs, would not exhibit any more dangerous characteristics than any other breed of dog. After considering all the evidence before it, the trial court agreed, finding that pit bulls, as a breed, are not more dangerous than other breeds." (T.M.C. §505.14(a))

**Turid Rugaas, Renowned Trainer and Author** - "When things go wrong, it is not because the dog is wrong, it is because of the people who deal with them...I have never met a dangerous dog breed, but I have met many dangerous dog owners, - and therein lies the problem."

**United Kennel Club** - The U.K.C. opposes breed specific legislation which targets or discriminates against certain dogs because of their breed or appearance.

**Testimony from Standing Committee on amendments to the Dog Owners Liability Act. 2005** - "There is no scientific proof that genetics cause a breed of dog to be aggressive, vicious or dangerous."

And, should the above information be insufficient, please do not hesitate to contact us as more information becomes available on a daily basis. Conversely, it must be noted that there is little, *if any*, scientific support for breed specific legislation by any one of any consequence in any relevant field.

 Respectfully submitted,

Donna Malone  
Legislative Representative  
Responsible Animal Owners of Tennessee

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