



**Next general membership meeting:
Wednesday October 15, 2008—7:00 PM
Gander Mountain Germantown
Board meets at 6:30 PM**

We are only a couple months away before the 2009/2010 legislative session starts here in Wisconsin.

DFOW has been busy this summer putting the finishing touches on position papers which have been affecting many of our members. As areas of concern arise, we will be posting our position statement on our website. Please feel free to use them in your discussions with local and state representatives.

We have been working to increase direct communication to our members, member clubs and their members. To this end, we are asking our member clubs to have (2) delegates registered with DFO. While (1) delegate is good, (2) allows a backup plan in case of vacations, computer down time and any other

emergencies.

It will be vitally important in the next legislative session to be able to reach members in the districts where legislators do not understand the issues. DFO will be reaching out to our member clubs for more specific information about their club members in the next couple of months. As always, member information is held in the strictest confidence and our lists are not for sale.

Some of the terms that will likely crop up in the next session may include the following:

Abatement Orders – Abatement orders can be written up by law enforcement, humane officers and others as authorized by law and put in place by governmental units. These abatement orders can be used to order you to comply with specified written requirements. These orders can be issued when a humane officer or law enforcement officer has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. The municipality must have an appeal process in place in order for this to be used. Failure to comply can result in additional charges and forfeitures as allowed by the governmental unit.

Executing Search Warrants – Under Wisconsin State Law Humane Officers that are not also law enforcement may not execute search warrants.

Puppy Lemon Laws – Allows the States' Attorney General to prosecute the breeder on behalf of the consumer. The Breeders would need to provide their own legal counsel. These lemon laws (depending on how the law is worded), has the potential of voiding your puppy buyers contracts.

It is important that dog enthusiasts understand what to look for in a bill that will cause concern for DFOW and its members.

Today more than ever, dog fanciers and breeders are somewhat in denial that any law passed will affect them. It will be vital that dog fanciers and breeders understand “HOW” to read a statute and a bill. When future legislation is introduced, we will try and guide you through the understanding of what that language means. The language of any statute is what will guide law enforcement in carrying out their duties, as well as, how the courts will interpret its meaning.

It is also important to note that the way our laws are written, any law passed at the state level, can and usually is made more restrictive at the local levels. One individual, I spoke with recently, indicated that if her municipal fanciers permit would ever be revoked or changed, she would just move. Wouldn't it be wonderful if it were just that easy? However, as municipal laws are introduced and passed, your right to own and raise dogs is slowly being whittled away. Eventually, there will be no place to go. At what point will you stand up and say enough is enough? By the time you realize what is happening, it will be too late to act.

The next session will be long and busy. Now is the time to encourage your friends to join DFOW and lend your voice to only pass legislation that is reasonable and enforceable to protect the welfare and health of dogs and does not restrict our rights.

Joy Brand—President

VOLUNTEERS NEEDED

We are in need of volunteers for:

Fund Raising

Community Education

Article Writing

Public Speaking at Dog Clubs

**We need stewards and judges for our “Show N Go” at
WWCDTC in Ixonia on November 2, 2008.**

**If you can devote a few hours of your time to help, please contact
DOGLAW “at” DFOW “dot” ORG**

HOW TO READ A STATUTE 101

Most people find reading a statute confusing. Statutes are worded the way they are to try and keep its interpretation clear or somewhat open for flexibility of interpretation.

We will use 2 simple examples of reading partial excerpts of 2 statutes. We are using these two examples because they clearly show the points we would like you to see and understand when reading a statute.

Examples

173.12 Animal fighting; seizure. (1) Any veterinarian who has **reason to believe** that an animal has been in a fight in violation of s. 951.08 **shall** report the matter to the local humane officer **or** to a local law enforcement agency. The report **shall** be in writing and **shall** include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

951.08 Instigating fights between animals. (1) No person may **intentionally** instigate, promote, aid or abet as a principal, agent or employee, **or** participate in the earnings from, **or intentionally** maintain **or** allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same **or** different kinds of animals **or** between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(2) No person may own, possess, keep or train any animal with the **intent** that the animal be engaged in an exhibition of fighting.

Look for words that suggest a “fuzzy standard” that can be further explained by case law, such as:

- “Reasonable”
- “Good cause”
- “Substantial”

See above example that uses “reason to believe”....Reason to believe is left to the veterinarians’ perception of what they see and “believe”. Bites, tears, scars, old injuries, based on his/her education and experience as to if the dog presented has been or used in a fight.

Circle every “may” and “shall” that you see to find whether the action is mandatory or discretionary . The distinction could be hugely important!

See example above that uses the word “Shall”....this statement doesn’t give the veterinarian discretion it indicates Mandatory.

If the rule contains a list of any kind, figure out how the listed items are related. Are they:

- Factors the court *may consider and balance*?
 - Elements that *must ALL be present* in order for the court to act? (Look for “and.”)
- Items which, each taken individually, provide grounds for action? (Look for “or.”)

In statute 951.08 sub (1) you will notice the element of Intent which is something that must be

proven in court in order to be found guilty. You must have **Intentionally** instigated, promoted, aided or abetted as one of the following a principal, agent or employee **OR** you must have participated in the earnings from **OR** maintained a place or allowed the use of the place used for fights. The fights could have been between like animals, different animals or animal and human and still be covered under this statute.

While these short explanations are not meant as legal advice it is being used to illustrate how to read a statute.

Before the district attorney can charge a crime, the reports written by law enforcement must show and have evidence of the crime. The writer of the report must have in their report all the elements of that crime so that the district attorney can use it to charge and prosecute the defendant.



Local Community Legislative News

The City of Brookfield Legislative and Licensing Committee has tabled their discussion regarding pet limits. Committee Chair Steven Ponto should be commended for truly understanding that numbers of animals is not the problem in their City. The problems they have had in the past is due to irresponsible pet owners, not the number of pets on the premises.

City of Brookfield residents still need to check their local agendas on a regular basis as limits can be re-introduced at a latter time.

It is vitally important that you check your local community government agendas on a weekly basis to determine if local authorities are trying to take away the possibility of owning the pets of your choice. ***Please notify doglaw "at" dfow "dot" org if your community is considering an animal ordinance change.

***Due to automatic spam programs, we are forced to delete actual email addresses on our website. To contact us, please delete the spaces and change the word "at" to a "@" and change the word "dot" to a "."

NOTICE:

DFOW will be holding an Obedience and Rally "Show 'N Go" at Western Waukesha County Dog Training Club in Ixonia on November 2, 2008. The flyer is available at:

<http://www.dfow.org/2008ShowAndGoFlyer.pdf>

If your club would like to help dog owners at one of your events, we would provide you with master copies of DFOW literature, but they would have to pay for the cost of reproduction. Local clubs would also be responsible for the booth fee (if applicable) and supplying the volunteers to man the booth. Having a legislative booth may meet one of the AKC requirements that specialty clubs must meet in order to hold events.

Other ways that local clubs can help DFOW:

- ⇒ One large raffle item (or even an entire raffle) at an event with the proceeds going to DFOW.
 - ⇒ X amount of entry fees designated for DFOW.
- ⇒ Run through or match events with all or a portion of the fees going to DFOW.

Contact Tracey Johnston if your club would like to help DFOW. Due to automatic spam programs, we are forced to delete actual email addresses on our website. To contact Tracey, please delete the spaces and change the word "at" to a "@" and change the word "dot" to a "."
AldendaleESS "at" sbcglobal "dot" net

What DFOW can do for your club and members:

Provide a speaker to address your club to explain the animal rights agenda and how it effects all pet owners.

Provide materials that could be used to educate politicians.

Provide support, testimony and materials to help in local community matters.

Arrange seminars on how to correctly deal with public officials.

Provide details on how to make your community "pet friendly".

Do you have a good relationship with your veterinarian and their technicians?

We have not spent a lot of time in the past researching the existing humane officer's code (WI Chapter 173), but due to the proposed legislation that is sure to be written now that HSUS has set up an office in Madison, we are going over all the animal codes with a fine tooth comb. We came across this:

173:12 Animal fighting; seizure.

(1) Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. *The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known. (1m) If an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime specified in s. 951.08, the animal may not be returned to the owner by an officer under s. 968.20 (2). In any hearing under s. 968.20 (1), the court shall determine if the animal is needed as evidence or there is reason to believe that the animal has participated in or been trained for fighting. If the court makes such a finding, the animal shall be retained in custody.*

Section 951.08 is the Crimes Against Animals Statute – Instigating fights between animals. We all know what constitutes animal fighting in the true sense of the words. What happens if a newly graduated Veterinarian or Vet Tech who has been indoctrinated into the AR agenda decides that the dog you just brought in for treatment had been in a dog fight and reports you? They may only read the section in the code above that is underlined. How many of you have had disagreements within your packs due to a bitch in season or status challenging? As fanciers, we understand that these things can happen and are diligent in trying to prevent these types of situations, but they still sometimes occur.

What happens if your dog hasn't been in a fight, but has injured themselves while out hunting? A puncture from a branch while diving into thick cover could look like a bite wound to an inexperienced veterinarian. Old scars from previous hunting experiences could also be used against you.

Do you own a treadmill or a dog trotter? Many of us do because of our climate – it's hard to condition a dog when there is two feet of snow on the ground or temperatures are below freezing. Some of us prefer this method of exercise even in good weather in order to protect our dogs from irresponsible pet owners that can't control their dog when out walking. Possessing a treadmill could be evidence used against you.

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Ensure that you have a good relationship with your veterinarian; that they have common sense and understand the difference between actual dog fighting and occasional dog disagreements. *Have no doubt that many veterinarians and vet techs are buying into the animal rights agenda.* The most recent situations that confirm this are CA AB1634 & Chicago's MSN proposal (many vets support pediatric MSN) and from Canada, the New Brunswick Veterinary Medical Association has deemed "cosmetic surgery" (dew claw removal, tail docking, ear cropping) to be unethical and cruel.

The animal rights proponent's hold on veterinarians and their technicians is becoming so strong that the AVMA (American Veterinary Medical Association) felt it necessary to issue a statement regarding CA Proposition 2 as they are against the measure and the CVMA (California Veterinary Medical Association) has issued statements of support *"Although reluctant to involve the AVMA in state politics, preferring instead to address veterinary and animal-related issues at the national level, Association leaders believe the referendum, sponsored by national organizations such as the Humane Society of the United States, warranted a response because it is part of a larger, state-by-state campaign targeting food animal production."* [AVMA weighs in on California livestock housing referendum - October 1, 2008](#)

When taking your dogs into your veterinarian, please use this as an educational opportunity. Explain your concerns regarding the animal rights agenda. Let them know the facts regarding HSUS, ASPCA, and PeTA. If you don't know the facts, check out these websites:

HSUS: http://www.activistcash.com/organization_overview.cfm

PeTA: http://www.activistcash.com/organization_overview.cfm/oid/21

ASPCA—though they still have some good information up on their website, have taken the animal rights agenda to heart. Just go through their "kids" section on their website—this link is to the animal testing page and you can link to circus animals and fur from this page:

http://www.aspc.org/site/PageServer?pagename=kids_ri_animaltesting

HERE is a challenge for the Humane Society of the United States (HSUS): Try to understand the purpose of animal agriculture before you are blamed for a major mistake.

Animal agriculture is not about torturing animals in factory farms, nor poisoning the environment, nor obesity.

Animal agriculture is all about providing high-quality human nutrition not only to the well-heeled and picky eaters in developed countries but also to those whose economic reality is defined by the deficit in high-protein foods for the young, the old and the ill.

Meat, milk, eggs, poultry and fish are high-quality, protein-rich foods that contain the essential amino acids required for human development. They hardly qualify as social evils.

When animal agriculture is attacked, as it clearly is by HSUS, there is a danger that it could be damaged or destroyed -- or discouraged, at the very least.

Considering global population growth, HSUS might want to think twice before risking the blame for promoting a future protein shortage.

Last week, Danielle Nierenberg, billed as an animal agriculture and climate change specialist for HSUS, bluntly restated the group's agenda.

Her remarks came in Washington, D.C., at a Hudson Institute discussion of a new peer-reviewed paper showing that the use of bovine growth hormone reduces the dairy industry's carbon footprint by reducing the number of animals and inputs needed to produce milk.

Unimpressed, Nierenberg said, "But animal agriculture contributes to a wide range of other social ills, including harming public health -- the increase in diseases."

She continued, "There are numerous studies showing that *Escherichia coli* and avian influenza increase in factory farm conditions."

However, when Hudson Institute director of research on global food issues Alex Avery challenged her to cite her sources, Nierenberg was unable to do so.

Nierenberg's attack was revealing. While there was some accuracy in her allegations that rural communities "are often negatively impacted ... by odor, manure and flies from these operations," she then launched into the patently ridiculous, saying, "Animal welfare ... is almost completely ignored in these operations."

She went on to charge large-scale operations as "filthy" and disease ridden.

In a heated exchange with Avery, Nierenberg said, "My perspective is one that is critical of industrial animal agriculture, mostly the largest of the large-scale operations. I am not critical of small- and medium-sized dairy, chicken and pig farmers who have worked very hard in this country to raise animals."

What Nierenberg missed, and what HSUS always misses, is that the size of the operation is not the issue. What matters is management.

People manage animals; they manage animal health and well-being, environmental remediation, public health concerns and community acceptance. The excellence of an animal operation is governed by how good the people are -- not how big the operation is.

There are many examples of good management in all sizes of operations, but if management is equally good, the large operations benefit from greater efficiencies simply because of lower unit costs.

There are also occasional bad actors in all sizes of operations, and no one defends them. It would really be helpful if HSUS could understand this.

Maybe HSUS could lower its voice and understand that animal agriculture is not an evil industry, nor is it stuck in the status quo. It is an industry that openly seeks and adopts production improvements. Most importantly, it is an industry that produces a product essential to human nutrition, and frankly, it could use all the well-intentioned help it could get.

Whatever its motives, HSUS needs to be concerned about what its current attack agenda will mean to the future of animal agriculture. If that agenda brings on a global shortage of high-quality, protein-rich foods, then the blame will fall squarely on HSUS and its allies.

This article was written by Feedstuffs Washington Bureau staff reporter Sally Schuff as an editorial.

Dog Federation of Wisconsin, Inc.

Application for Individual Membership

1) Name: _____
Last First M.I.

2) Address: _____

City: _____ State: _____ Zip Code: _____

3) Telephone: (_____) _____ E-mail: _____

Do you belong to any All-Breed, Specialty, or Obedience Clubs, or Humane or other dog organizations?
YES _____ NO _____ If YES, please explain: _____

Are you an appointed delegate to the DOG FEDERATION OF WISCONSIN, INC., by any club?
YES _____ NO _____ If YES, which club(s)? _____

6) Do you currently own a dog or dogs? YES _____ NO _____ If YES, which breed(s)? _____

7) Do you have any interests that could be helpful to the DOG FEDERATION OF WISCONSIN, INC.?

_____ Article Writing	_____ Lobbying	_____ Legal
_____ Education	_____ Printing	_____ Professional
_____ DFOW Newsletter	_____ Computer	_____ DFOW Booth
_____ Fundraising	_____ Research	_____ Public Speaking

Statement: Please accept my application for membership in the Dog Federation of Wisconsin.

Signature: _____ Date: _____

For Voting Memberships Only (\$25.00): Please have two members in good standing become acquainted with you OR have the secretary of the All-Breed, Specialty, or Obedience Clubs you belong to sign as a sponsor. You may email doglaw "at" dfow "dot" org if you do not personally know any DFOW members, or belong to any dog clubs.

Sponsor Statement: It is my belief that the above named person would be an asset to the DFOW; working to preserve our right to own dogs.

Name (Please print): _____ Organization: _____

Signature: _____ Date: _____

Name (Please print): _____ Organization: _____

This application must be submitted to the Board of Directors of the DOG FEDERATION OF WISCONSIN, INC. with individual dues of \$25.00 for a Voting Membership, OR \$15 for Non-voting Membership. This membership fee is due annually by January 1st. If you join in the last two months of a year, you will not be subject to the next year's dues.

Make check payable to **DFOW** and mail to: Wendy Biewer, Treasurer, W825 Froelich Road, Sullivan, WI 53178