

April 3, 2014

Deborah Brown Testimony

Honorable Representatives of the House Judiciary Committee,
For those of you I have not yet met, I am the President of the Vermont Federation of Dog Clubs. The VFODC is an organization made up of nine Vermont dog clubs with about 400 individual members. Our members are passionate about responsible dog ownership. They host and participate in events that showcase dogs and their talents, such as conformation shows, obedience, rally, agility, fly ball, tracking, hunting, herding, coursing, therapy dogs and the READ program for children. They promote the welfare of dogs in a myriad of ways, including participating in regional and national breed rescue, running health clinics to screen for disease, DNA collection events to provide DNA for scientific testing and research, securing foster homes for dogs and owners in need, participating in fundraising to provide medical care for seriously injured or ill dogs whose owners cannot afford the necessary veterinary care, organizing seminars and workshops taught by various experts in such topics as canine behavior, training, nutrition, structure and soundness and providing public education at events such as Shelburne Museum Goes To The Dogs. Less than 5% of our members' efforts are directed toward actually breeding dogs, which is undertaken with great thought, care and expense to ensure the future of our heritage breeds.

I had several serious concerns about S.237 as it was introduced. I believe my concerns have been addressed in the version of the bill before you. I reiterate them here for the record, especially in light of testimony that attempted to equate forfeiture of property to forfeiture of a license to drive. Constitutional rights should not be likened to privileges granted by the State.

Often our valuable show or performance dogs are co-owned with one or more other parties, some of them living in other states. I was concerned that by decreeing that "the State shall institute a civil proceeding for forfeiture of the animal", the co-owners of canine property may not be given sufficient time or notice to make proper arrangements for their animals. This is especially alarming when I think about cases with extenuating circumstances, such as an owner's sudden illness or disability. Couple this with some ambiguity in the Chapter's definitions, and perhaps an overzealous animal control officer, and S.237 sets up a very unfair and potentially cruel situation for the owner(s). The pain of losing one of our beloved and cherished dogs is difficult to describe.

For example, the statute states that " "Necessary medical attention" shall include medical treatment for illness, injury, disease, excessive parasitism, or malformed or overgrown hoof." Purebred dog fanciers often provide foster homes for purebred rescued animals in order to treat and re-home them. These dogs can arrive matted, parasite-infested, under or overweight or injured. I share an example from Pennsylvania where photographs of newly rescued pets and the words of an "attentive" neighbor were used as evidence of abuse (charges were subsequently dropped, but not until after some of the owners' valuable show dogs had been hastily placed in new homes). The owners did not know their rights and had been frightened into giving up some of their pets under threat of losing them all. "Bullied" is the term the court used.

If this bill were to pass as introduced (as I read it), Vermonters would no longer have to be found guilty of a crime to lose their property – property that they may have spent decades and generations to preserve, protect and nurture. Why ever would we want to reduce the burden on the State to produce clear and convincing evidence that abuse has happened?

As WCAX reported in February, there is ongoing debate in Vermont about what constitutes adequate living conditions for dogs. Some of us grew up in rural areas where dogs live quite comfortably outdoors; others, raised in a more urban environment, believe that all dogs should live indoors. As least as long as there is this disparity and discussion going on, we cannot let the unpredictability of the background and personal beliefs of an animal control officer or humane agent determine what happens to our property. We need to protect dog owners and their animals and continue to expect the State to produce clear and convincing evidence before permanently depriving individuals of their property absent a finding of guilt. Thank you for your time and your service.

Kind regards,

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“Some of our greatest historical and artistic treasures we place with curators in museums; others we take for walks.” - Roger Caras