

Justice for the Vick-tims:

Pit bulls in America

By Ledy VanKavage, Esq.

On Feb. 29, 2008, one of the American pit-bull terriers seized in the Michael Vick dog fighting case – the dogs described by some humane groups as the most violent dogs in America – appeared on “The Rachel Ray Show.” There was little Johnny Justice, a small white-and-black pit with a wriggly butt, sitting on the couch, eating treats and smooching with the host. Ray’s voice choked and tears welled in her eyes as she described what these dogs had gone through and the discrimination that pit bulls across our nation face.

Rachel Ray has good cause to be distraught at the current plight of the American pit bull terrier.

It isn’t just the Michael Vicks of the world that haven’t been kind to these victims. Pit bulls, through no fault of their own, seem to have been left out of our circle of compassion. They have been described by some in the humane movement as “kennel trash,” “land sharks,” or even “born killers.” Laws outlawing them are termed “breed-specific,” not “breed-discriminatory.”

Words do matter. In an 1870 court case, lawyer George Graham Vest delivered an eloquent eulogy about a dog, Old Drum, who had been shot. Here are some excerpts from his closing argument: “A man’s dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground, where the wintry winds blow and the snow drives fiercely, if only he may be near his master’s side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that encounter the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens.

“If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies. When the last scene of all comes, and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death.”

The speech applies to all dogs, regardless of breeds. And, yes, it even applies to the American pit-bull terrier.

Tragically for many dogs and their owners, however, canine profiling is on the rise. Friendly pets are being ripped from the homes of their guardians for



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no reason other than unfounded fears about their alleged heritage.

Mark Twain aptly said, “What gets us into trouble is not what we don’t know, it’s what we know for sure that just ain’t so.” If you read the paper lately, every dog that bit must be a “pit.” This media bias has resulted in dogs being confiscated and killed in some towns simply because of their appearance. How can this happen in America? Is the terminology employed by animal advocates exacerbating the problem? Are the practices employed by shelter workers fueling the latest media witch hunt?

First, what exactly is a “pit bull”? There is no such breed. There are American pit-bull terriers, Staffordshire bull terriers, American Staffordshire terriers, bull terriers, bulldogs, Boston terriers, French bulldogs, bullmastiffs, boxers, and American bulldogs. Nowadays anyone who sees a short-haired stocky dog thinks it is a “pit bull.”

Some city councils have passed laws banning any mixed-breed dog that merely resembles an American pit-bull terrier. Are police officers or animal-control workers truly qualified to determine the heritage of a mixed-breed dog? Do they employ DNA testing before seizing and euthanizing someone’s pet?

In the legal system, proof matters as much as words. DNA blood testing is now available to help determine a dog’s lineage. In Kansas City, Kansas, for example, a man won his eight-month legal battle with the city to keep his dog, Niko, after DNA testing proved Niko wasn’t a “pit bull.” The dog was housed at animal control for the entire eight months, at a great cost to the taxpayers. Niko is now back home after the ordeal.

Some animal shelters add to the discrimination by refusing to adopt out a dog based on its alleged breed. Is it ethical for humane shelters to euthanize dogs based on purported breed and not temperament? Some shelters say they are euthanizing pit bulls to “protect” them, but what would the dog want – the possibility of a loving home or death? The refusal to adopt out certain canines may even contribute to the cachet of the breed, helping drive demand and making the dogs more popular.

Other shelters claim they do not adopt out certain breeds to “protect” the public. Let’s look at the facts:

According to Janis Bradley, author of *Dogs Bite, but Balloons and Slippers Are More Dangerous*, more people are killed by lightning each year than by dogs.



The dog population has blossomed to more than 73.9 million in the United States, but despite this increase, usually between 12 and 33 people die each year from dogs. Why the hysteria over dog attacks when swimming pools and SUVs are much more dangerous? The answer: deep-seated fear. Canines are predators, and humans respond to dog bites on a very primal level. In *The Pit Bull Placebo*, Karen Delise, of the National Canine Research Council, examined media bias in dog-bite reporting. She surveyed news stories regarding dog attacks that occurred on a random week in August 2007.

On Aug. 18, a Labrador mix attacked a 70-year-old man, sending him to the hospital in critical condition. Police officers arrived at the scene, and the dog was shot after charging the officers. This incident was reported in only one local paper.

On Aug. 19, a 16-month-old child received fatal head and neck injuries after being attacked by a mixed-breed dog. This fatal attack was reported twice in the local papers.

On Aug. 20, a 6-year-old boy was hospitalized after having his ear torn off and receiving severe bites to the head by a medium-sized mixed-breed dog. This attack was reported once in the local paper.

On Aug. 21, a 59-year-old woman was attacked while trying to break up a dog fight in her home. Two pit bulls had entered the home through her dog door and had started a fight with her neighbor’s Jack Russell terrier, which had also entered through the dog door. Her dog was not harmed. She was hospitalized with severe injuries. This attack was reported in more than 230 articles in national and international newspapers and on CNN, MSNBC, and Fox news.

COVER STORY

The incident involving a woman being injured trying to break up a dog fight involving pit bulls garnered national attention. By stark contrast, the fatal attack on a baby by a mixed-breed dog received only minimal local coverage.

According to Delise, there is no documented case of a single neutered, companion pit bull causing a human fatality. But that fact is rarely reported.

Given such media bias, perhaps it isn't a surprise that animal shelters and animal-control workers inadvertently contribute to the hysteria. When gregarious Johnny Justice and the other American pit-bull terriers in the Vick case were seized, some humane groups called for them to be killed without the individual dogs even being evaluated. The court finally allowed the ASPCA to lead a team of behaviorists to evaluate the victims, with special master/guardian Rebecca Huss also participating in the examination of the dogs. Eventually, only one dog out of 49 had to be euthanized because of temperament. The other ex-fighters were dispersed to rescue groups and sanctuaries throughout the United States, where they are now thriving. You can watch their sojourn on www.badrap.org or www.bestfriends.org.

If breed isn't relevant, what factors are actually involved in dog attacks? According to the National Canine Research Council, the fatal dog attacks that occurred in the United States in 2006 had these commonalities:

- 97% of the owners did not neuter or spay their dogs.
- 78% of the owners did not

maintain their dogs as pets but instead used them as guard, breeding, or fighting dogs.

- 84% of the attacks involved reckless owners whose dogs were abused or neglected; were interacting with unsupervised children; or were not humanely controlled or contained (i.e., they were either chained or allowed to roam).

Instead of breed discrimination, communities should focus on these factors to prevent dog bites: restricting tethering, prohibiting guard dogs, and enforcing animal-cruelty laws.

Regrettably, breed-discriminatory legislation continues to be passed, creating far more problems than it solves. Such laws sever the human-animal bond and undermine the faith people have in their animal control officers. Most Americans view their pets as members of the family.

The anguish experienced by thousands of responsible guardians who have had their pets seized and killed simply because of their breed was movingly expressed in an e-mail posted by a Florissant, Missouri, resident on the Web in 2006:

"My name is Andrea Miller, and I own an 8-year-old, black-and-white, male but fixed pit bull named Ali. I just found out today, by a visit from the health department, that pit bulls were outlawed in my city as of this past December '05. The city apparently gave owners 2 months to get their previously owned pit bulls approved; however, I was not aware of the outlawing, and it is too late.

"I don't want to give my dog away, but I've contacted city hall, and they are



not willing to give any waivers regarding the situation; they will be back in 7 days to take him away. I've had Ali since the day he was born; the runt of a litter of 10, he had to be bottle fed, and I became attached. He's been my best friend all his life, my only friend at times. I had a baby 8 months ago, and we did all the training and adjusting to the new situation. He took to it well, and we decided it would work. We didn't consider giving Ali up, then this happened.

"He is such a great dog, a huge baby who loves scratches and any attention. I call him 'my little butt shaker.' After all he's done, I just can't bear to give up without a fight and let them put him to sleep. He is literally my child, and I am just devastated by this. I would prefer to call in, but every time I try to talk about it, I get choked up and start crying.

"I was hoping you could offer me some direction and/or hope. If it was possible, I'd even move to a pit-bull-friendly city. Unfortunately, it is out of my reach. I'd be willing to drive any distance to save him and give him the comfort of a loving home that he deserves or at least a chance at one. No one at city hall or

the health department seems to care how heart-wrenching this is, and I just can't understand how they can be so coldhearted. I apologize to take your time, but I don't know what to do. I'm just trying to do everything I can. I greatly appreciate your time either way.

"Ali does enjoy playing with other dogs. I frequently take him to my grandmother's to play with her two dogs. He has been through socialization classes and frequents pet stores with us. He gets along with cats, too; one of our cats, KiKi, he is particularly fond of. They take turns cleaning each other. I'm afraid she will be devastated by this once she realizes he is no longer around. I just can't believe this is happening.

"I've wondered sometimes what life would be like when Ali passed on of old age, but I always assumed I didn't need to worry about that for many years. I never would have imagined something like this could be possible. He's been the one reliable, stable friend for so long, I don't know how I will manage without him. But I can guarantee it will be easier if I know he is alive, happy, and cared for. I've lived in and supported this city almost my whole life, but I can't help but feel betrayed and very bitter."

This is America. Responsible guardians should have the right to share their lives with whatever breed of dog they choose. Reckless owners should be prohibited from having dogs.

Pit bulls are just dogs. And all dogs are individuals.

Helen Keller, owner of a "pit bull," stated it best: "Friendship is seen through the heart not the eyes." It is time for us to speak up and defend our best friends, no matter what their breed – they desperately need our help.



Ledy VanKavage, Esq. is Sr. Director of Legislation & Legal Training, ASPCA. She is also Vice Chair, Animal Law Committee, American Bar Association. She has been interviewed on the subject of dangerous dogs by the New York Times, MSNBC, NPR's Justice Talking, the Chicago Tribune, and the St. Louis Post Dispatch.

Ledy is from the heartland; she currently resides in Collinsville, Illinois with her husband Cliff who is the Executive Director of Cinema St. Louis. Ledy and her husband have adopted three brindle pit bulls, Clarence Darrow, Che, and Bella and also oversee a feral cat colony in the neighborhood.

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Fear vs. Fact

Animal Farm Foundation
(www.animalfarmfoundation.org)
has a wonderful handout, **Fear vs. Fact**, which outlines some of the prevalent myths that still permeate our culture regarding pit bulls:

FEAR: Pit bulls have "locking jaws."

FACT: "We found that the American pit-bull terriers did not have any unique mechanism that would allow these dogs to lock their jaws. There were no mechanical or morphological differences." Source: Dr. I. Lehr Brisbin, University of Georgia

FEAR: Pit bulls have massive biting power measuring thousands of pounds of pressure per square inch.

FACT: On average, dogs bite with 320 pounds of pressure per square inch. The bite pressure of a German shepherd, an American pit-bull terrier and a Rottweiler were tested. The American pit-bull terrier had the least bite pressure of the three dogs tested. Dr. Brady Barr, National Geographic

FEAR: Although there are some pit bulls with good temperaments, they are the exception, not the rule.

FACT: The American Temperament Test shows that pit bulls consistently score above average for all breeds tested, year in and year out.

Source: American Temperament Test Society