



# THE CAT FANCIERS' ASSOCIATION, INC.

World's Largest Registry of Pedigreed Cats

## **Why Not Coercive Legislation? (Coercive laws: governing by force)**

Animal lovers care deeply about the numbers of healthy cats and dogs euthanized each year in shelters. There is growing awareness of the numbers of feral cats and free-roaming, homeless stray cats in every community and concern for humane treatment of these cats. Animal abuse, neglect, cruelty, substandard breeding facilities and situations of animal “hoarding” are not acceptable to anyone. These animal problems are multifarious and solutions are complex. Defining and addressing cat and dog population dynamics has moved to the forefront in many cities, counties and states. Ideal solutions involve collaboration among municipal animal services, shelters, pet owners, feral cat caretakers, rescuers, breeders of pedigreed cats/purebred dogs and other animal interest groups. When all stakeholders have respect for each others views, good communication, sharing of data and information the goal of creating a strategic plan acceptable to everyone is possible. There are examples of communities that have been able to save all healthy animals in their shelters. Most have developed innovative and aggressive programs to enable people to do the right thing for animals voluntarily. These programs cost money, take time to create and require community wide cooperation to obtain available funding.

There are animal activists who strongly believe that the more expedient approach is use government force by passing laws that restrict all citizens in order to regulate the small percentage who cause problems. Coercive laws also take money to enforce. Therefore most are “complaint based” or include mandates resulting from non-compliance of some other law. The intangible cost to communities is the creation of fear and general distrust that comes about with an atmosphere of neighbors or animal rights vigilantes using these laws to harass.

The coercive law making pattern usually starts by exploiting a single outrageous animal related event that creates the attention getting “crisis” situation. The public is then convinced that pet owners are irresponsible and coercive legislation is the “quick-fix” solution. Often coercive laws draw huge media attention because of the controversy. Proposals are purposely extreme and primarily aimed at influencing behavior and presenting a social message with little expectation of effective enforcement or real change for the animals. Some proposals are mainly seen as a way to raise revenue for animal control services. When an ordinance is presented in your community first ask three fundamental questions.

1. Has clear evidence of the **NEED** for a new law been firmly established?
2. Would the proposed law directly and effectively **ADDRESS** the identified need?
3. Is the new proposed law the **MOST EFFECTIVE AND LEAST INTRUSIVE** available means of addressing the need? <sup>1</sup>

Even when it can be solidly argued that the new law will not solve the identified need or problem, can not be effectively enforced or would be extremely intrusive to at least some citizens' lives supporters often use emotional appeals insisting that coercion is a first step or the only way to reduce shelter killing of animals.

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<sup>1</sup> Florida Legislative Workshop, March 2001; Michael Maddox, Pet Industry Joint Advisory Council.

Mandatory spay/neuter laws, currently being proposed all over the country, require sterilization of all cats and dogs over 4 or 6 months. Supporters claim that cat and dog breeders are exempted, but in reality the exemption itself is highly punitive. To qualify means permits or “unaltered” licenses with extremely expensive fees, inspection of homes, and intrusion of personal privacy or impossible compliance requirements like cat/dog show competition, club membership or business licenses conflicting with zoning or existing animal limit laws. These laws unfairly impact those who conscientiously work to preserve the pedigreed cat and purebred dog breeds. They have little or no effect on those whose animals mistakenly mate and fail to reduce the numbers of feral cats or homeless cats in shelters who have no owners to comply. The objective is to reinforce an animal rights belief that breeding pedigreed cats/purebred dogs is unacceptable or else an activity that should be treated as a business and heavily taxed.

Private home breeders feel it is important to preserve the historic cat and dog breeds and to provide well socialized healthy kittens and puppies for many in the public who desire predictable or special qualities in their pets. Ultimately the goal of animal rights extremism is to prevent any deliberate cat/dog reproduction. Whenever you see legislative proposals look at the issues, who or what organization is behind the legislation and determine if this is the best alternative for your city or county.

1. Become familiar with the existing laws. Are there nuisance laws or laws to protect animal abuse already on the books? Are these being appropriately enforced?
2. Look at animal services and shelter operations. Does your city/county/state require that all dogs and cats from shelters be altered before placement? Is the shelter well managed with good veterinary protocols to counter feline upper respiratory infection or dog behavior problems?
3. Are local veterinarians aware of both the positive and negative effects of "early age altering" in order to offer this option or inform pet owners of risks?
4. What kinds of community services are available? Are high-volume/low cost or free sterilization programs adequate? Are there programs in place for feral cat trap/neuter/return (TNR) to stop the reproduction of these cats? Does the community have a voucher program so pet owners can have low cost spay/neuter services from a veterinarian of their choice?
5. Collect shelter data – try to acquire an accurate count of the real number of animals euthanized at your shelters because they are healthy but UNWANTED. Distinguish this statistic from those euthanized because they are UNHEALTHY either from serious illness or because of unsocial or dangerous behavior.
  - Go to your city or county clerk's office (depends the shelter contract) and ask to see a copy of the contract between the shelter and the city/county. In this contract, you should find a paragraph requiring the shelter to make a quarterly/annual report to a government office. Get a copy of the contract and take it to the office specified in the contract. Ask for a copy of the required report for the last few years. **THIS IS PUBLIC RECORD.** Send a copy to the CFA Legislative Committee. Analyze (or let us analyze) the numbers.
  - The report may indicate that the findings on which proposed legislation is based are misleading and present an inaccurate picture. The data may include all animals -- injured, sick, dead, vicious, unweaned, euthanasia requests at surrender, untamable feral cats, etc. Your objective is to determine how many **HEALTHY, ADOPTABLE ANIMALS ARE BEING EUTHANIZED.**
  - If possible separate the figures for the various cats and dogs taken in. The categories require **DIFFERENT SOLUTIONS.** To reduce euthanasia of healthy animals may mean improved adoption outreach with off site vehicles or a pet store program, increased advertising, use of special assistance grants, changing shelter policies on screening, increased hours open, foster homes or an expanded volunteer base. Feral cats trapped and killed by shelters can be helped through support of local trap/neuter/return (TNR) programs, foster care to tediously tame some of these cats and cooperation with the Farm Bureau to place some feral cats on farms/ranches. Shelter supported “baby bottle” programs can save unweaned kittens. A good

veterinary strategy with isolation and other protocols may be necessary to help the sick but treatable animals. Dog training assistance or a behavior hot line for adopters could improve retention in homes and reduce the return-to-shelter rate.

6. Cats euthanized are often the primary problem shelters face. Pedigreed cats represent only an estimated 3% to 5% of the total cat population and are rarely seen in shelters. Find out, with the help of the CFA Legislative Group, how many breeders, ongoing and active in registering litters, are within your area. Most likely the number will be extremely low. This could help illustrate that targeting pedigreed cat breeders is no solution nor will breeder licensing bring anticipated revenue.

THE FACTS AND FINDINGS OF SHELTER DATA SHOW THAT PEDIGREED CAT AND PUREBRED DOG BREEDING IS NOT A MAJOR FACTOR in the numbers of animals handled. Increase in human population density, economic difficulties, limit laws, multiple reasons for pet relinquishments; indiscriminate or accidental matings of pets are all factors. Regulations that primarily penalize responsible breeders are not viable solutions for reducing shelter numbers. Coercive laws targeting breeding also create divisiveness, which can be destructive to any meaningful long term effective plans. Cat and dog groups can and do contribute to rescue and other solutions when they are not alienated by organizations insensitive to their positive contributions.

Voluntary methods with incentives should be tried first. One of the most successful examples of voluntary efforts is the high rate of neutered and spayed pet cats – 87% to 94% per several national and county studies.<sup>2</sup> Voluntary identification of cats through collar/tags or microchipping with the sole objective to facilitate reclaim has NOT been fully explored. Mandated microchipping or cat licensing does cause some people to ignore homeless cats rather than take them in because of the extra cost. The result is more reproduction and increased shelter numbers. Coercive legislation should be the LAST RESORT.

By Joan Miller, CFA Legislative Information Liaison

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Adapted from an article by Joan (Wastlhuber) Miller & Karen Johnson; 1991

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<sup>2</sup> Examples - 2006 –American Pet Product Association; National Pet Owners Survey 2007-2008  
87% cats sterilized  
MSPCA; Massachusetts Dorr Research Study Report 2006 – 94% cats sterilized.