From: "Melvin and Carol" <mlmille@cox.net>
Date: October 27, 2016 at 9:38:55 PM EDT
To: <mgottesman@bexley.org>
Subject: What-to-expect-when-considering-BSL with functional links

Ms. Mary Gottesman
Bexley Ohio City Council

Dear Ms. Gottesman,

Attached is the material on what to expect when considering BSL, the conversion problems have been correctedcorrected. Links are now functional. I'm sorry for any inconvenience and hope you will take the time to read what had been learned from communities like yours.

Sincerely,
Carol Miller

What To Expect If Your Community Is Discussing Breed-Specific Legislation (BSL)

Edition 1 | May 15, 2016

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Introduction

Is your community considering regulating pit bulls, or is your current pit bull ordinance being challenged by breed activists? Welcome, we hope to give you and your city council the information that will let you know what to expect so that you can prevail. This information has been put together by a partnership between DogsBite.org and Daxton's Friends for Canine Education, both are 501c3 victims' advocacy and educational organizations. We give you honest information on the strategies and talking points you will hear from pit bull advocates

In this document, we explain the phenomenon of pit bull advocacy; it is truly unique. No other breed or type of dog requires the 24/7 damage control that we see from pit bull advocacy. The intensity of denial ramps up in direct proportion to any threat to the unregulated status of pit bulls. A fatal or disabling attack amazingly brings stunning reassurances of the safety and gentle nature of the dogs that have injured or killed one of your constituents. Beagles do not inspire this hysteria. There is no national advocacy for Poodles. Only pit bulls and closely related bully breeds are threatened by regulation. The overwhelming numbers of serious attacks and fatalities by pit bulls bring communities to the decision to regulate them for the purpose of public safety.

What Prompts A Community To Take Action?

The issue of creating breed-specific regulation arises in a community where there has been a horrific or fatal attack on a human, or multiple attacks on pets. The issue of repealing breed bans currently in existence comes up regularly in communities that have one too. Under that scenario, the protests you will see unfold in a predictable pattern. The star in the show will be a pit bull "service dog", or a veteran's emotional support dog,[1] or a family pet kept under the radar for an extended period of time, but is now in the spotlight because neighbors have complained, or it has become a management problem. Someone new has moved into your community with a pit bull and claims to be unaware of your local law, is another favorite. Organized breed advocates will drown your city council in demands to drop the breed ban as a convenience to those who are already in violation of local law. These are all set-up scenarios; none of them are accidents.

This document explains how the process to uproot your breed-specific ordinance unfolds and the entities that drive these activities. These same entities will strive to fill your council meetings with local and non-local pit bull advocates. Such activities are part of a well-considered and time tested strategy from Utah-based fighting dog advocates, Best Friends Animal Society, in partnership with two New York-based extreme pit bull advocacy groups. These strategies are backed up by cash and supported by registered lobbyists and lawyers, primarily employed by Best Friends Animal Society.

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[1] Jeanene Kiesling, "Veteran faces giving up pit bull therapy dog or leaving town," KCTV, September 19, 2013 (Accessed: 04/07/16 http://www.kctv5.com/story/23479507/kansas-town-wants-to-force-veteran-from-town-due-to-therapy-dog)

Talking Points & First Hand Account

Our document lays out the primary talking points your council members will hear from pit bull advocates and shows that many of these points are misleading and others are entirely false. For instance, the false claims that "pit bulls were bred to be nanny dogs" and "no one can identify a pit bull." Nothing could be further than the truth. Our appellate courts have spoken at length about the breed identification issue, specifically that "dog owners of ordinary intelligence" can identify a pit bull. We cite 12 appellate and federal court cases from as early as 1988 to show that this is settled case law.

Pit bull advocates will also claim that, "media reports cannot be relied upon," despite the only comprehensive U.S. government study done on human deaths due to dog bites (Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998, CDC/AVMA 2000) strongly relied upon multi-sourced media accounts. We cite many references to our sources in this extensive section. Knowledge is power and we would like to see your city prevail.

We also provide a first-hand account of one city's experience that attempted to pass a pit bull ordinance after a grandmother was brutally mauled to death by a pit bull in front of her great grandchildren in 2015. The council member who supported the ban measure shared, "I had to stand up at one point and call the meeting back to civil order. Never in my twenty years of elected office have I seen such behavior in any chamber of government." She goes on to describe the behavior as being "bullied by a group of very rude, impolite and uncivil selfish people." Regarding the entire ordinance process, she noted the sophistication of how outside groups orchestrated the outcome of their ordinance. "It was a crafted strategy by some clever folks and they were not local," she wrote.

Not all cities considering a pit bull ordinance face this type of opposition, but many do. For this reason, we recommend that council members consider placing the issue of a pit bull ordinance on the ballot. Ballot measures in two U.S. cities show that by a wide margin the voting public supports BSL. In 2014, Aurora, Colorado citizens (population 345,000) voted in favor of keeping their pit bull ban 64% to 39%. In 2012, Miami-Dade County, Florida citizens (population 2.6 million), upheld their longstanding pit bull by 63% to 38%.[2] Pit bull activists have NEVER reversed BSL, or prevented the passage of BSL when local voters made the choice.

Allow your actual constituents to have final say in the privacy of a voting both. Avoid the well-rehearsed scenarios of intimidation, email inbox flooding and threats of lawsuits primarily driven by outside sources and funding. Also in the case of Aurora, because the

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[2] 63% of Miami-Dade voters supported the longstanding ban (http://www.miamidade.gov/elections/results-2012.asp), and in Aurora, 64% did (http://auroravotes.org/election-results)

issue was placed on the ballot and passed, pit bull advocates can no longer bring the issue up as an "agenda item" for Aurora City Council for at least 10 years.[3]

How the Process Begins and Unfolds

Your city will receive a call from one or more lawyers employed by Best Friends Animal Society (at this point forward simply "Best Friends") informing you, in a very condescending manner, that your best course of action would be breed neutral legislation. Best Friends is a multi-million dollar animal welfare organization with a very strong pro pit bull agenda. In practice breed neutral legislation is "one free" bite legislation. Breed neutral law does not prevent attacks; dangerous dogs do not rate consideration until after they have created a victim. Pit bulls are rarely owned by those who have insurance so the victim suffers the injuries and losses, and pays the medical bills as well.

Best Friends Sham BSL Calculator

The Best Friends lawyer will promote a tool called the BSL Calculator. This tool is a sham, was paid for by extreme pit bull advocacy, the National Canine Research Council, and devised by John Dunham & Associates.[4] Dunham & Associates is in the business of creating financial impact studies that support any position that is chosen by those who hire them.[5] Dunham worked for Big Tobacco and the "research" products they currently create are very much like what they created in attempts to protect the interests of tobacco companies. Dunham calls their process "guerrilla economics." See the first Tweet that ever came out his company:[6]

> *"We're an economic consulting firm that supports lobbyists. Want a legislator to listen? Tell them how much its gonna cost..."* - *John Dunham & Associates Tweet, November 10, 2009*

The BSL calculator will give outrageous and distorted costs for enforcement of any breed-specific law. It falsely assumes a number of things, including that a very large number of dogs will be DNA tested and that your city will have to foot the bill! Furthermore, the only DNA test that has any merit at all, Wisdom Panel by Mars Veterinary, clearly states in the related FAQ that they "cannot build a DNA profile to genetically identify every dog that may be visually classified as a pit bull." In other words, there is no DNA profile for pit bulls in their database and they say so clearly.[7]

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[3] Nell London, "Aurora's polarizing pit bull ban up for a vote," Colorado Public Radio, October 28, 2014 (Accessed: 04/16/16 http://www.cpr.org/news/story/auroras-polarizing-pit-bull-ban-vote)
[4] John Dunham & Associates (http://guerrillaeconomics.com)
[5] Other "economic" calculators created by Dunham include the National Chicken Council (http://www.chickenfeedsamerica.org/) the Meat Industry (http://www.meatfuelsamerica.com/)
[6] (Accessed: 04/07/16 https://twitter.com/GuerrillaEcon/status/5594204413)
[7] Wisdom Panel FAQ (Accessed: 04/05/15 http://www.wisdompanel.com/why_test_your_dog/faqs/)

Assistant city attorneys in Denver, Colorado and Council Bluffs, Iowa -- both jurisdictions have pit bull bans -- have stated that there are absolutely no such costs in their city regarding DNA tests. If circumstances ever warranted a breed DNA test (a judge request, etc) the owner is 100% responsible for the cost. After Council Bluffs adopted its pit bull ban in 2005, attacks by pit bulls dropped to nearly zero and remain that way today.[8]

Council Meeting Packed With Pit Bull Advocates

You will see a great number of pit bull advocates show up for your city council meetings. They will all demand to speak. Be aware that only a very few of these breed advocates actually live in your city. The others are there for the purpose of intimidation. Several cities have used the tactic of only allowing local residents speak. This is a time saver and highly recommended.

Those who speak will follow a set pattern. This pattern is part of the strategy developed by Best Friends and used in communities all across the United States.

You will have a local resident, usually female but not always, who will sob as they lovingly describe their pet pit bull and how their life would be unbearable without "Capone." The tears are practiced and will be repeated as many times as allowed, please expect this. There is ALWAYS at least one crier, sometimes there are more. This is part of Best Friends' well thought out strategy. If you patiently respond to this tearful woman with assurances that Capone would be grandfathered into your proposed law, she just can't have *another* pit bull, she will continue to sob and cry. While she may love her dog (though her neighbors may not), she is primarily concerned with *her* rights; *her* rights to keep dogs that intimidate and threaten her neighbors. Breed-specific advocates state over and over "they are just like any other dog," but they refuse to consider any other dog. There must be a difference and this difference is the problem.

You will have a lawyer who will threaten a lawsuit against your city. He or she will attempt to convince your city council that breed-specific legislation is unconstitutional. This is false. Appellate courts in many states have upheld the constitutionality of BSL[9] and the United States Supreme Court has too, as recently as 2008.[10] The United States Supreme Court has refused to ever hear any BSL cases because this has been settled law for over 100 years when the Court ruled in *Sentell v. New Orleans & Carrollton R. Co. - 166 U.S. 698 (1897)* and determined that government officials could shoot and kill loose dogs that pose a danger to the community.[11]

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[8] Legislating dogs, Council Bluffs, Iowa pit bull bites from 2005 to 2014, DogsBite.org (Accessed: 04/05/15 http://www.dogsbite.org/legislating-dangerous-dogs.php)

[9] Constitutionality of breed-specific laws, DogsBite.org (Accessed: 04/05/16 http://www.dogsbite.org/legislating-dangerous-dogs-constitutionality.php)

[10] *Paul Tellings v. Toledo, Ohio, No. 07-8545* (April 14, 2008) - United States Supreme Court denies cert petition; upholds the Toledo pit bull ordinance.

[11] *Sentell v. New Orleans & Carrollton R. Co. 166 U.S. 698 (1897)* (Accessed 04/05/16 https://supreme.justia.com/cases/federal/us/166/698/case.html)

You will have a veterinarian who will give a condescending speech on his professional opinion. Please be aware that the American Veterinary Medical Association (AVMA) is part of the 60 billion (yes BILLION) dollar a year pet care and supply industry in the United States.[12] Those involved in this industry do not want any part of it regulated.

You will hear from the national groups, the American Kennel Club (AKC), American Society for the Prevention of Cruelty to Animals (ASPCA), Humane Society of the United States (HSUS), all players in the 60 billion dollar a year industry protecting their interests. The missions of these organizations fall under "dog breeder rights" or animal rights. They have no interest in public safety for your community therefore should be disregarded and ignored. This is also true for the "list of organizations opposed to breed-specific legislation" that pit bull advocates lobbying in your community will produce. A casual review of this list reveals one obvious fact, they are nearly all part of the 60 billion dollar a year pet and animal care industry, protecting their financial interests.

You will have vocal representatives from local humane societies and pit bull rescues lobbying against any proposed BSL. This is self-interest; these organizations want to move the pit bulls languishing in their shelter into your community. Shelters in the U.S. are full of pit bulls, some up to 60% pit bulls or even more.[13] Many of these dogs are owner surrenders, most often because the dogs have become aggressive in the home. Many are strays picked up off the streets after having been abandoned by owners, likely because they have become aggressive in the home. Pit bull advocates will repeat endlessly that "it's all in how you raise 'em" but will be delighted to give you an adult pit bull with no clue how they were raised or where they came from. They were abandoned, that tells you what you need to know. Shelters will be happy to send you home with adult pit bulls, found as strays, adopted out and returned several times because they attacked a family member or killed other pets in the home.[14] Logical and sensible people have a problem with this. Your constituents do not want recycled vicious dogs living next door.

Members of your city council will come under attack in the comments section after news articles covering your BSL issue. Some of these attacks will be brutal, some threatening. Your life will change for the next few months. We have talked about some of the activists you will see at your city council meetings. Now we will explain more about the organizations that are so adamantly opposed to the regulation of dangerous dogs and their motivation for opposing breed-specific legislation. But this amounts to a tempest in a teacup and blows over. Cities willing to stand up for common sense and public safety easily resist the puffery.

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[12] Pet Industry Market Size & Ownership Statistics, 2015, American Pet Products Association (Accessed: 04/05/16 http://www.americanpetproducts.org/press_industrytrends.asp)

[13] Jonathan Macready, "Pit Bulls - Not Other Breeds - Are Causing The Serious Dog Problem in Niagara Falls," *Niagara Falls Reporter*, February 3, 2015 (Accessed: 04/06/16 http://www.niagarafallsreporter.com/Stories/2015/FEB03/pitn.html)

[14] "Extreme Attacks: List of Pit Bulls Up for Adoption or Recently Adopted From Shelters That Seriously Attack," Safety Before Pit Bulldogs (Accessed: 04-05/16 http://safetybeforebulldogs.blogspot.com/2014/05/list-of-pit-bulls-recently-adopted-from.html)

The Primary Pit Bull Advocacy Groups

Pit bull advocacy is a special interest group with a very narrow focus, pit bulls. This special interest group is very well funded, organized and interconnected. The money trail originates at Animal Farm Foundation. Daxton's Friends for Canine Education has a long post on this topic with live links for documentation, written by Daxton's father, Jeff Brochardt. Please read this excellent post; we also provide a short summary.[15]

Animal Farm Foundation

Animal Farm Foundation (AFF) is owned by a pit bull obsessed, extraordinarily wealthy, New York state heiress, Jane Berkey, who uses her inherited wealth to promote pit bulls. Animal Farm Foundation is a 501c3, but the funds come from Berkey herself and her family members: her brother and her mother. AFF is located on Berkey's farm in rural New York State. Berkey makes no effort to conceal the breed-specific nature of her organization, whose mission statement is "Securing equal treatment and opportunity for 'pit bull' dogs." Their website features endless material created for pit bull advocates attempting to deceive lawmakers. You will see a great deal of this. Also note the quotation marks surrounding "pit bulls" in the mission statement. This is an affectation common in pit bull advocacy. The quotes indicate that pit bulls are a nebulous concept and they cannot be identified by anyone. It is remarkably true that AFF and its heavy-duty funding promote dogs they claim no one can identify, including themselves.

AFF funds faux "research" done by its subsidiary company, the National Canine Research Council. The "research" and lobbying techniques of AFF are modeled after the practices of the Tobacco Institute; forced out of existence by the federal government as part of the Tobacco Master Settlement Agreement.[16] You can only fool the public for so long. AFF also funds grants to shelters making a priority of placing pit bull dogs with the public. Grants are made to organizations running American Kennel Club Canine Good Citizen (AKC CGC) testing. AFF pays $150 for EACH pit bull that passes the CGC to clubs applying for this funding, and running the tests. No payments are paid for Poodles or Golden Retrievers, just pit bulls, dogs that can't be identified per AFF's own gospel.

The group also runs an on-site intern program for new pit bull advocates to teach them how to market and promote pit bulls. Some of these techniques include the deliberate mislabeling of dogs in shelters to hoodwink the public. AFF runs seminars across the country to teach pit bull advocates techniques for impacting public policy in order to protect

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[15] The Pit Bull Lobby, Daxton's father, by Jeff Borchardt (Accessed: 04/05/16 https://daxtonsfather.wordpress.com/2014/08/16/the-pit-bull-lobby-jane-berkey-animal-farm-foundation-karen-delise-the-national-canine-research-council-indeterminate-breeds/)

[16] Tobacco Master Settlement Agreement, Wikipedia (Accessed: 04/06/16 https://en.wikipedia.org/wiki/Tobacco_Master_Settlement_Agreement). The legal document: http://web.archive.org/web/20080625084126/http://www.naag.org/backpages/naag/tobacco/msa/msa-pdf/1109185724_1032468605_cigmsa.pdf

pit bulls, not dogs in general, just pit bulls. You will see these advocates and hear their well-rehearsed talking points. AFF's website includes handouts, videos, BSL maps and materials teaching pit bull advocates how to speak to, and impact media and lawmakers. AFF provides teaching materials to veterinarians too, instructing them to refuse to identify dogs by breed.[17]

There is no similar organization to promote Beagles, or Golden Retrievers, or Poodles. Only pit bulls require 24/7/365 damage control and this ridiculous level of advocacy.

National Canine "Research" Council

National Canine Research Council (NCRC) is a wholly owned for-profit subsidiary of AFF with the purpose of protecting the interests of pit bull dogs from repercussions following headline making fatal attacks and life changing maulings. Berkey quietly purchased the LLC in 2007. Her ownership remained hidden from public view until 2010, when under a "proxy name" she purchased the COM domain name for "DogsBite" in an Internet auction sale for $11,000. In order for the authentic victims' advocacy organization, DogsBite.org, to file a domain name dispute, they first had to uncover who this proxy was. After several weeks of research, they did. The domain name dispute forced Berkey to come clean; otherwise her ownership might still be in the shadows.[18] NCRC is headed by Karen Delise, a professional pit bull advocate, and is located at AFF's New York facilities. The two organizations share board of director members, and also share a board of director member with Best Friends.

Ms. Delise explains her "research" techniques with this quote, "Based upon my research, I specifically rejected a statistical/epidemiological approach. I have always concurred with the American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions which stated, 'Dog bite statistics are not statistics, and do not give an accurate representation of dogs that bite.'"

Translation: She does not use the same, standard, time tested, procedures for research that are accepted and used by researchers in all fields, all over the world. The sentence, "Dog bite statistics are not statistics, and do not give an accurate representation of dogs that bite" is beyond the comprehension of thinking adults. She creates material that does not meet any scientific standards and is not reproducible -- pseudo-scientific papers that can be presented to press and legislators as if they were real science. All the names found on pro pit bull "research" can be also found on the National Canine Research Council's advisory and consultant's web pages. There are no accidents here.

As previously stated, NCRC is a clone of the Tobacco Institute. NCRC's "research" comes from the same small group of usual suspects, as did Tobacco Institute research. There are a few veterinarians involved with this material; the Tobacco Institute also had doctors on

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[17] Resources for Veterinary Professionals, Animal Farm Foundation (Accessed: 04/05/16 http://www.animalfarmfoundation.org/files/Vet-Package-E-book-08-29-15.pdf)

[18] DogsBite.org v. Domain Privacy, Animal Farm Foundation Inc. Case No. D2010-0861, WIPO, July 27, 2010 (http://www.wipo.int/amc/en/domains/decisions/text/2010/d2010-0861.html)

staff who lent their names and titles[19] to the "research" proving no link between smoking and cancer. NCRC plays an equally irresponsible and dangerous game.

Best Friends Animal Society

Utah-based fighting dog advocates, Best Friends Animal Society, is a 501(c)(3), but is more truthfully described as an animal welfare PAC (Political Action Committee). Best Friends is in the business of pit bull advocacy. They work hand-in-hand with AFF and NCRC. The three organizations work as a single unit in their efforts to protect and promote pit bulls. Ledy VanKavage, a senior legislative attorney for Best Friends, leads a program called, "Pit Bull Terrier Initiatives," to promote pit bulls exclusively.[20] This part of the website is dedicated to materials that fight BSL.

Breed advocates opposing your existing, or proposed BSL, consult VanKavage and her legal staff who write "breed neutral legislation" for your community from a PAC located in Utah without knowing anything about the concerns in your city. It is important to note that VanKavage is also a board of director member of AFF. The legislation drafted by her staff protects the interests of pit bull owners at the expense of public safety. These include local ordinances and state statutes. State level legislation is primarily anti-BSL preemption bills that bar local governments from enacting pit bulls laws[21] and statutes that erode dog ownership penalties after an attack and diminish the ability to deem a dog dangerous.

For instance, in Ohio, documents obtained through a public records request show that Best Friends drafted the legislation that altered Ohio's Dangerous Dog statue in 2012. The bill written by Best Friends was sold to members of the Ohio Legislature as "finally giving dog wardens the tools to deal with dangerous dogs." In reality the law de-regulated pit bulls (the intent of the writers) and set up unworkable procedures that protected dangerous dogs and their irresponsible owners. In the first three years after passage of the law, 10 Ohio citizens were killed by vicious dogs, many of them by pit bulls. The legislation written by Best Friends has proven such a failure that by 2015, it was already in the process of being revised.

As mentioned earlier, the finances of Best Friends, AFF, and NCRC are interlinked. AFF is "wholly" funded by the inherited wealth of its owner, as is NCRC, both owned by Jane Berkey. Best Friends is a 501c3 funded by donor dollars, millions of them. The 2014 IRS 990 filed by Best Friends features lots of interesting information, but we will feature only two items.

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[19] Tracie White, "Physicians testified for tobacco companies against plaintiffs with head, neck cancers," Stanford Medicine, July 2015 (Accessed: 04/06/16 https://med.stanford.edu/news/all-news/2015/07/physicians-testified-for-tobacco-companies-against-plaintiffs.html)

[20] Pit Bull Terrier Initiatives, Best Friends Animal Society (Accessed: 04/05/16 http://bestfriends.org/our-work/pit-bull-terrier-initiatives)

[21] Anti-BSL preemption bill drafted by Best Friends for the 2016 Kentucky Legislative Session. It failed to pass. (http://www.lrc.ky.gov/record/16RS/SB116/bill.pdf)

Total donations to Best Friends for the last five years totaled well over two hundred and sixty three million dollars, $263,673,371 to be exact. This is a national, big money operation, much of it spent on political activity in support of their No-Kill agenda. The driving purpose of Best Friends is found in their motto "Together we can save them all" which sounds warm, fuzzy and humane, but in practice, it is not. The No-kill philosophy leads to the endless warehousing of animals so badly damaged mentally or physically that their continued existence amounts to cruelty. Best Friends also dedicates a substantial amount of resources and funds to protect the reputations of pit bulls and to keep cities from regulating them. The second item on the 2014 990 is a self-congratulatory statement about their "legislative" pit bull initiatives:

> *Best Friends' legislative efforts led to 24 total wins (17 cities, 4 counties, and 3 states) against breed discriminatory legislation. Best Friends Animal Society helping potentially more than 235,000 pit bull terrier type dogs throughout the nation to stay safe in their homes. Today a total of 19 (and counting) states now have provisions against breed discrimination legislation.* - *Best Friends Animal Society*

Best Friends is extraordinarily proud of their efforts to deprive millions of Americans, and hundreds of American communities of their home rule rights to draft local law in order to protect the safety of local residents. During the same year, pit bulls were responsible for 64% of attacks ending in death[22] and over 600 resulting in severe bodily injuries, including amputations and maimings.[23]

Action Alerts - Email Inbox Flooding

While considering your pit bull ordinance, you will receive countless emails demanding that you drop any plans of regulating pit bulls. These emails will all be worded the same because they come from the same place, the Best Friends Legislative Action Center.[24] The software behind it is a legislative "action" email tool called Capwiz.[25] The tool is used by many causes, but is also easy to abuse and Best Friends takes full advantage of that. It works in the following way: Best Friends drafts a statement, using their typical talking points, opposing a pit bull ordinance or the idea of adopting one, then sends it out to their significant subscriber base urging pit bull owners to "take action!" The action is to sign

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[22] 2014 Dog Bite Fatality Statistics, DogsBite.org (Accessed: 04/05/16 http://www.dogsbite.org/dog-bite-statistics-fatalities-2014.php)

[23] Dog Attack Deaths and Maimings, U.S. & Canada, September 1982 to December 31, 2014, Merritt Clifton, Animals 24-7 (Accessed: 04/05/16 http://www.dogsbite.org/pdf/32-year-summary-chart-pit-bull-attack-trends.pdf)

[24] Best Friends Legislative Action Center, Best Friends Animal Society (Accessed: 04/05/16 http://bestfriends.org/resources/join-best-friends-legislative-action-center)

[25] Capwiz (www.Capwiz.com) has since been named "Engage." It is an "all in on advocacy tool to help you advance your issues, educate and mobilize supporters, and track campaign performance" states the website. (Accessed 04/05/16 http://cqrollcall.com/engage/)

the form, then hit the Send button. This fires off an email to whomever Best Friends' has specified, usually every city council member and high-level city office holder.

The system also works on a state level when Best Friends' targets legislative committees considering a bill that falls within one of their initiatives. Remember, the email tool can be abused and often is too. The person who "takes action" can live anywhere and the program does not discriminate against those desiring to send multiple letters of protest either. Just enter a new name and address and you can send another. Many of these senders will not be your constituents and safely may be disregarded. Below is a form email crafted by Best Friends that targeted an Ohio city considering a pit bull ban in November of 2015.

> *As a Shaker Heights resident, taxpayer and voter, I am disgusted that our community is considering a breed-discriminatory "pit bull" ban. Laws like this do nothing to improve public safety and have the very real effect of tearing families apart. That's a lose-lose for our community.*
>
> *We all want Shaker Heights to be a safe and humane community, but the fact is you cannot create this environment by scapegoating a particular breed of dog. Laws like the one under consideration are based on outdated stereotypes and myths, rather than on sound public policy.*
>
> *Breed-discriminatory laws are also an infringement on our private property rights. In America, responsible dog owners should be allowed to own whatever type of dog they choose. We don't need the government putting arbitrary restrictions on our property rights in the form of laws that are completely ineffective at increasing public safety. They also are extremely expensive to maintain -- not to mention litigation costs that the city will inevitably incur by defending the law in court.*
>
> *Our dog laws should focus on the behavior of individual dogs (regardless of breed), as well as the behavior of reckless owners who create so many of our problems. If we follow this model, we'll make our city safer for people and pets alike.*
>
> *Laws like the one under consideration have been publicly repudiated by organizations as wide-ranging as the American Bar Association (ABA), the Centers for Disease Control and Prevention (CDC), the National Animal Care and Control Association, the American Veterinary Medical Association and many others. They all recognize that breed-discriminatory laws are a terrible policy solution.*
>
> *Please stand with me and reject the current proposal. I know we can work together to write a law that is effective, smart, and won't needlessly tear our families apart.* - *Best Friends Form Letter*

Finally, Best Friends will be happy to send a registered lobbyist to your city council meetings, and will also be happy to send a lawyer to threaten legal action against your

community if BSL is passed. Best Friends has never acknowledged the deaths of Americans by pit bulls. Most of the strategies of pit bull advocates used in your community come directly from this Utah-based group.

American Bar Association

It is also worth noting the involvement of the American Bar Association (ABA) in attempts to limit BSL The ABA is a voluntary professional membership organization for lawyers in the United States; it is not a part of the federal government. In 2004, the Tort Trial & Insurance Practice Section (TIPS) formed the Animal Law Committee, which ultimately evolved into the following goals.[26]

> *"The status of animals in our legal system, and in our society at large, is in flux, and attorneys are discovering innovative ways to use the rule of law in many different arenas to create a just world for all. These arenas involve a vast array of human/animal interactions, including estate planning for companion animals, due process protections in dangerous dog/reckless owner laws, appropriate compensation when an animal is killed or injured, protections against breed discrimination, standards of care and accountability for animals used in industry and agriculture, expanding notions of what constitutes "cruelty to animals," and the competing interests of wild animals and humans in dwindling resources."* - *Animal Law Committee (TIPS)*

There is no mention of public safety in their mission. There is a clear statement of concern for the due process for the owners of dangerous dogs and for those charged in reckless dog owner incidents, but none for human victims. There is also a clear statement for the "protections against breed discrimination." There is no interest in home rule rights, the safety of the peaceful public, or the rights and losses of human victims.

Ledy VanKavage steered the ABA Animal Law Committee from 2010 to 2012 as the chair (also chair-elect) and heavily influenced it.[27] While under her leadership, animal law attorney Adam Karp, was awarded the "Excellence in the Advancement of Animal Law Award."[28] Two years later, Karp authored a 30-page paper titled, "Down to a science: Combating Breed Discriminatory Litigation," which spells out the primary legal challenges attorneys can pursue against cities with poorly written breed-specific laws .

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[26] Animal Law, American Bar Association (Accessed: 04/15/16 http://apps.americanbar.org/dch/committee.cfm?com=IL201050)

[27] History of the Animal Law Committee (Accessed: 04/15/16 http://www.americanbar.org/groups/tort_trial_insurance_practice/animal_law_hist.html)

[28] Adam Karp Honored for Excellence in the Advancement of Animal Law, by Ledy VanKavage, Animal Law Committee, Fall 2012 (Accessed: 04-15/16 http://www.dissidentusa.com/ALCDocs/ALCAwards/2012%20ALC%20Award%20KARP.pdf)

It is important to note that jurisdictions with well-written breed-specific laws have a 100% success record in high courts and BSL is public safety law. Karp's manifesto was "made possible through a generous grant by the National Canine Research Council," states the paper. Jane Berkey paid for this. At the end of his paper Karp refers readers to three websites: NCRC, AFF and Best Friends. There are no coincidences.

The Talking Points

Now you know a bit about pit bull advocacy, and those who promote it and profit from it. You have a pretty fair idea of what to expect in your community. Here are the primary talking points that will be presented to you as indisputable fact by pit bull advocates and our well-researched and well-reasoned response to them.

"Pit bulls are just like any other dog."

Dogs are purpose bred, this is the whole purpose of breeding programs. Border Collies will herd by instinct. They will attempt to herd small children and cats if that is all they have to work with. The purpose of training herding dogs is to refine the natural instincts of the dogs. You will not see Irish Setters at Herding Trials. You will not see Huskies, or Poodles, or Pugs at Herding Trials, these dogs do not have the natural instincts for the work. Here is video of a 9-week old Border Collie pup herding sheep. This video is an absolute treat and the breeder of this pup has every right to be very proud of his breeding program.[29]

Bloodhounds are affectionately known as "a nose with a dog attached." They are endowed with an amazing sense of smell, the olfactory sleuths of the canine world. They were bred for the job. The structure of their faces and ears are geared to assist with the task they were bred for. Many breeds can be trained to track but few can match the natural skills of the Bloodhound.

Pointers are bred to point. Watch this video; the 6-week old German Shorthair Pointer assumes a perfect point at 50 seconds into the video.[30] Think anyone taught that skill to a 6-week old pup? Here is video of an 11-week old Brittany Spaniel pointing to a bird wing. Watch him at 21 seconds into the video. This is instinctual behavior encouraged by a patient owner.[31]

Retrievers were bred to retrieve ducks for hunters; they will bring a ball back to you for hours if you don't happen to hunt. Here is video of 6-week old Lab puppies retrieving a bird.[32]

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[29] 9-week old Border Collie pup herding sheep, YouTube.com (Accessed: 04/01/16 https://www.youtube.com/watch?v=as73mxFj1nc)
[30] 6-week old Pointer assumes perfect point, YouTube.com (Accessed: 04/01/16 https://www.youtube.com/watch?v=VjcTXNfc9RI)
[31] 11-week old Brittany Spaniel, YouTube.com (Accessed: 04/01/16 https://www.youtube.com/watch?v=sBsCvx3iAkI)
[32] 6-week old Lab puppies retrieving a bird, YouTube.com (Accessed: 04/01/16 https://www.youtube.com/watch?v=nWQATSnthWA)

Pit bulls were bred to kill other dogs in a pit for the entertainment of those who created the breed. Pit bulls kill because their DNA tells them they are created to do this "work." Pit bulls are bred for the quality breed enthusiasts call "gameness". A dead game pit bull will fight until he dies. Video is easily found online featuring pit bulls with injuries that will soon prove fatal, continuing to fight. We will not link to this material; normal people are repulsed and shocked by it. This quote comes from the website of Diane Jessup, a true pit bull breed expert.[33]

> *The ultimate goal of those who breed fighting dogs is a "dead game" dog, meaning an animal which will, while in the heat of battle, continue to struggle toward its opponent when called upon to cross the pit while dying of heat exhaustion, in shock, with broken legs, internal injuries, crushed nasal cavities or other conditions which cause its death in the pit or within hours after the fight.* - *Diane Jessup*

Dog fighters do not fight Poodles, or Pugs, or Golden Retrievers, these dogs do not have the genetic drive for blood sport.

"Pit bulls were bred to be nanny dogs."

The "nanny dog" myth is foolish and dangerous. No dog was ever bred to babysit children, least of all the breed that kills more children than all other breeds combined every year. This quote comes from a website called "Animal Welfarists."[34]

> *What About Nanny Dogs?*
>
> *Nanny dogs are wonderful creatures - like Bigfoot, the Loch Ness Monster, and chupacabra, they bring excitement and wonder into our lives. The thing that they all have in common is that they're fake. Made up. Never existed.*
>
> *Pit Bulls through their entire existence have never been bred as "nanny dogs"; there is absolutely no history to support this claim either. The only mention of nanny dogs ever was in 1971 by the author of the book "Staffordshire Bull Terriers: Owner's Companion" and devoted Staffordshire Bull Terrier fan, Mrs. Lillian V. Rant. Mrs. Rant made a statement that coined the term "nanny dog."* - *Animal Welfarists*

The nanny dog myth is insane and the repetition of this myth continues to get children killed.

"Pit bulls pass temperament tests with higher scores than any other dogs"

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[33] Working Pit Bull, Diane Jessup (Accessed: 04/01/16 http://www.workingpitbull.com/GamenessDefined.htm

[34] Your Dog Is Not A "Pitbull" - A Guide, Animal Welfarist (Accessed: 04/05/16 http://animalwelfarists.tumblr.com/post/96757857570/your-dog-is-not-a-pitbull-a-guide)

This talking point refers to the American Temperament Test Society's (ATTS) testing program. The ATTS is a private, for profit organization. The test was devised for police work and for Schutzhund enthusiasts. The test does not test for suitability as a pet; it rewards boldness. The test is breed-specific; all breeds do not meet the same standards. The test has a very strong self-selection bias; you don't take a dog that you don't think will pass. The test does not certify any dog safe, or even pleasant. This test can be fun, a way to spend a day in the sunshine with your dog, but passing the test is simply a vanity item. Owners of dogs passing the ATTS get a certificate in the mail. The certificate does not exempt the dog from any local law nor does it impact insurance rates. For a comprehensive explanation of the test, the requirements and evaluations, please see this website.[35]

The ATTS runs a very open website with statistics for the pass/fail rate for all breeds.[36] The first page of breed statistics begins with this quote: "The pass-fail rate is not a measure of a breed's aggression, but rather of each dog's ability to interact with humans, human situations, and the environment." This is a disclaimer by the ATTS to avoid liability.

The numbers of dogs passing the test are cumulative, since the very first ATTS was run in 1977. In the last 39 years, 870 pit bulls have passed the ATTS -- that is 23 pit bulls per year on average. The estimated total U.S. pit bull population is about 3.5 million currently, thus .0007% are tested each year. Of the 70 million dogs that populate the U.S. today,[37] about 1,272 are tested per year (0.002% of all dogs), according to their website.[38] Most importantly, the temperament data published by the group is **not based upon scientific random sampling of any dog breed**. Because the base population source group is unidentifiable, these statistics are meaningless.

"It's all in how you raise 'em."

It never crosses a pit bull advocate's mind that this statement is absurd. Beagles, no matter how badly raised, do not kill humans. Poorly owned Poodles do not kill people. Irish Setters owned by the irresponsible are not featured in news stories dealing with fatal attacks. Pit bulls, estimated at 5% to 7% of the total population of dogs in the U.S. killed 28 of the 34 Americans mauled to death in 2015 (82%). As of April 2016, pit bulls are continuing along this same trajectory of accounting for 80% plus of all fatal attacks. No manipulation of numbers is required, just count the bodies.

"No one can identify a pit bull."

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[35] The Pit Bull Hoax: The ATTS, The Truth About Pit Bulls (Accessed: 04/07/16 http://thetruthaboutpitbulls.blogspot.com/2010/08/there-are-three-kinds-of-lies-lies.html)
[36] ATTS Breed Statistics, American Temperament Test Society, Inc (Accessed: 04/05/16 http://atts.org/breed-statistics/)
[37] U.S. Pet Ownership & Demographics Sourcebook (2012 edition), American Veterinary Medical Association (Accessed: 04/05/16 https://www.avma.org/KB/Resources/Statistics/Pages/Market-research-statistics-US-Pet-Ownership-Demographics-Sourcebook.aspx)
[38] Tests performed in 2012, American Temperament Test Society (Accessed: 04/05/16 http://atts.org/about-atts/)

This talking point is a favorite but has no basis in fact. Appellate courts state, "a dog owner of ordinary intelligence can identify a pit bull." We find this decision in the Ohio Supreme Court ruling, *Ohio State v. Anderson (1991)* and similar language in other jurisdictions as well, including Colorado, Florida and New Mexico. Below are excerpts from two appellate court decisions. A table of similar rulings is provided in Appendix A. There are simply too many to include under this talking point:

State v. Anderson, 57 Ohio St. 3d 168 - Ohio: Supreme Court 1991[39]

> *Pit bull dogs possess unique and readily identifiable physical and behavioral traits which are capable of recognition both by dog owners of ordinary intelligence and by enforcement personnel. Consistent and detailed descriptions of the pit bull dog may be found in canine guidebooks, general reference books, state statutes and local ordinances, and state and federal case law dealing with pit bull legislation. By reference to these sources, a dog owner of ordinary intelligence can determine if he does in fact own a dog commonly known as a pit bull dog within the meaning of R.C. 955.11 (A)(4)(a)(iii). Similarly, by reference to these sources, dog wardens, police officers, judges, and juries can enforce the statute fairly and evenhandedly.* - *Ohio Supreme Court*

American Dog Owners Ass'n v. Dade County, Fla., 728 F. Supp. 1533 - Dist. Court, SD Florida 1989[40]

> *Despite the absence of scientific testing procedures for dog breeds, however, and the absence of pedigree in the majority of dogs owned in Dade County, the evidence demonstrated that the majority of dog owners know the breed of their dogs ... Veterinarians opine that ordinary citizens may be trained to identify the breed of a dog based on the dog's physical appearance. In fact, one resident of the County gave testimony that he was able to determine the breed of the dog he owned after comparing its physical conformation to that of other pit bulls he had seen in the media ... The AKC or UKC standards at issue describe the pit bull dog as well as words can do. (T.R. at 406). Most of the terms in the standards are understandable to reasonably intelligent persons.* - *United States District Court, S.D. Florida*

Appendix A has excerpts from the following cases:

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[39] *State v. Anderson, 57 Ohio St. 3d 168 - Ohio: Supreme Court 1991* (https://scholar.google.com/scholar_case?case=14961371406426538 99&q=State+of+Ohio+v.+Anderson&hl=en&as_sdt=2,44&as_vis=1)

[40] *American Dog Owners Ass'n v. Dade County, Fla., 728 F. Supp. 1533 - Dist. Court, SD Florida 1989* (https://scholar.google.com/scholar_case?case=12182653291839764118&q=Florida+++American+Dog+Owners+v.+Dade+County&hl=en&as_sdt=6,44&as_vis=1)

- Kansas - Kansas v. Lee (2011)
- Colorado - Dias v. City and County of Denver (2009)
- California - American Canine Foundation v. Sun (2007)
- Ohio - Toledo v. Tellings (2007)
- Missouri - City of Pagedale v. Murphy (2004)
- Wisconsin - Dog Federation v. City of South Milwaukee (1993)
- Iowa - American Dog Owners v. Des Moines (1991)
- Ohio - State v. Robinson (1989)
- Ohio - Vanater v. Village of South Point (1989)
- Kansas - Hearn v. City of Overland Park (1989)
- Florida - State v. Peters (1988)
- New Mexico - Garcia v. Village of Tijeras (1988)

Now that it has been shown that high courts credit dog owners of ordinary intelligence with the ability to identify pit bulls, we come to research announced by the ASPCA in 2013 revealing that shelter volunteers' visual identification of a pit bull agreed with the DNA test 96% of the time.[41]

Dog owners of "ordinary intelligence" can identify pit bulls and shelter volunteers can identify pit bulls. Who else can manage this magical task? Please visit a dog show in your community and watch the judges work. Every dog show ever held relies on a visual identification system. Dog show judges are mere mortals like the rest of us, but they visually identify breeds, and also identify minute deviations from individual breed standards in order to pick breed winners.

So, "ordinary" dog owners, shelter volunteers and certainly dog show judges can identify pit bulls, but veterinarians regularly state that they are unable to identify pit bulls.

The official position of the veterinary profession is found in a statement from the American Veterinary Society of Animal Behavior.[42]

> *Since no scientific proof is required to establish breeds and inaccurate reporting of alleged breed has such great repercussions, it is now recommended that veterinarians and shelters refrain from trying to identify breed mixes visually. Dog DNA tests reveal that even professionals experienced at identifying dog breeds (veterinarians, dog trainers, breeders, animal control officials, shelter workers, etc.) are unable to reliably identify breeds.* - *American Veterinary Society of Animal Behavior*

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[41] Bully This—The Results Are In..., by Dr. Emily Weiss, ASPCA Professional, September 26, 2013 (Accessed: 04/05/16 http://www.aspcapro.org/blog/2013/09/25/bully-this%E2%80%94-results-are-in%E2%80%A6)

[42] Position statement on Breed-specific Legislation, American Veterinary Society of Animal Behavior, 2014 (Accessed: 04/05/16 http://avsabonline.org/uploads/position_statements/Breed-Specific_Legislation-download-_8-18-14.pdf)

The reason these reluctant veterinarians are unable to "scientifically" prove breed ID for pit bulls via DNA test is that canine DNA tests are wildly unreliable, and no company producing canine DNA tests has been able to build a DNA profile for pit bulls.

The most widely used canine DNA test, the Wisdom Panel by Mars Veterinary, provides no independent scientific testing for the accuracy of their test. Mars claims 84% accuracy for offspring in first-generation crossbreds of known parentage. The accuracy of the test in dogs with more than two breeds and in dogs "lacking any purebred heritage" is unknown.

All of the pseudo-scientific papers by pit bull advocates attempting to show that visual identification is unreliable use this highly unreliable and unverified DNA test. One of these papers was obliged to disclose this about the Mars Wisdom Panel test they used attempting to discredit the accuracy of visual identification:[43]

> *Limitations of our study include unknown sensitivity and specificity of the DNA breed testing and lack of a DNA test for American pit bull terrier. There is also no DNA test for 'pit bull,' since this term refers to a phenotype, not a pedigree. The test for the Bayesian analysis used by providers of the DNA testing relied on breed signatures of purebred dogs selected for the database and not a representative randomized sample of all dogs, which might be a source of inaccuracy. In addition, relatively little information exists regarding the accuracy of the DNA test for identifying the breed composition of mixed breed dogs.* - *Study authors*

The Wisdom Panel does not include a DNA profile for the American Pit Bull Terrier, the most populous breed in the pit bull group. You could test every dog at a Pit Pride Parade and likely not get a single positive for pit bull. From the Wisdom Panel FAQ: "Due to the genetic diversity of this group, Mars Veterinary cannot build a DNA profile to genetically identify every dog that may be visually classified as a Pit-bull." An additional quote states that the test is not to be used for BSL issues "Wisdom Panel® 2.0 is designed and intended to be used solely to identify the breed history of a dog and no other purpose is authorized or permitted. Wisdom Panel 2.5 and 3.0 are intended to be used to identify the breed history of a dog, as well as screen for the MDR1 genetic mutation and no other purpose is authorized or permitted."[44]

"BSL does not work. Breed neutral laws and owner education will make communities safer"

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[43] Inconsistent identification of pit bull-type dogs by shelter staff by KR Olsen, et al., The Veterinary Journal, Volume 206, Issue 2, November 2015, Pages 197–202 (Accessed: 04/05/16 http://www.sciencedirect.com/science/article/pii/S109002331500310X)

[44] Wisdom Panel FAQ, Mars Veterinary (Accessed 04/05/15: http://www.wisdompanel.com/why_test_your_dog/faqs/)

This talking point falls back upon the false argument of bite counts as a marker for success or failure of local regulation. It is absurd. BSL was not designed to prevent dog bites, rather it is designed to prevent fatal, or life-altering maulings by pit bulls. BSL does this very well where it is enforced. A "bite" that may require nothing more than soap and water and a band-aid is, statistically speaking, one bite. A fatal mauling that will reveal at autopsy a hundred or more individual bites with the loss of large areas of soft tissue is also one statistical "bite." There is no comparison.

Traditional dog bite laws that allow a bite to occur were designed to control the kinds of bites that run from needing band-aids to the kind that need a trip to the emergency room in the family car for stitches and a tetanus shot, not life flight transport to level one trauma centers attacks; the life changing or life ending maulings of dogs bred for blood sport . Enforced breed neutral laws work to address traditional pet dogs and "typical" dog bites. Breed neutral laws are entirely inadequate and were never designed to protect people and pets from pit bull attacks. Breed neutral laws and breed specific laws generally work in tandem to provide protection from all dogs.

Some states do have state preemption laws that prohibit BSL. These bills were written and backed by dog breeder and animal rights interests groups, the American Kennel Club (AKC) and Best Friends being the primary culprits. Money and lobbyists are integral to the process of passing these laws. Residents in states where these laws have been passed are at a huge disadvantage. Further, if breed neutral laws made communities safer from serious and fatal pit bull attacks one would expect that states with laws prohibiting BSL would be havens of peaceful outcomes. Over the last 11 years (2005 to 2015), canines killed 360 Americans.[45] 50% of these attacks occurred in the 19 states that preempt local governments from enacting breed-specific laws. These 19 states include the big three, California, Texas and Florida, who combined accounted for nearly one-third (107) of all U.S. fatal attacks during the period. Pit bulls accounted for a whopping 75% of deaths (80) in these three states where municipalities have been barred from enacting pit bull laws for 25 years.[46]

Three months after California passed their preemption law in 1989, Marjee Lilly, 70-years old, was killed by a pit bull. Then-Governor Deukijemian -- who signed the preemption legislation into law -- said in a news conference, "I'm as disturbed and distressed as anybody. We have to have some kind of law against owning them or some other way of completely controlling them."[47] In 2005, the California legislature finally recognized the danger of the preemption law. With the help of a high-powered state senator, legislators altered the statute to allow cities to pass breed-specific "spay and neuter"

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[45] 2015 dog bite fatality statistics, DogsBite.org (Accessed: 04-05/16 http://www.dogsbite.org/dog-bite-statistics-fatalities-2015.php)

[46] Statistics provided by DogsBite.org from their 11-year data set of fatal dog attacks and state preemption data set. California passed its anti-BSL preemption law in 1989, Texas 1991 and Florida 1990.

[47] Jeff Wilson, "Dogs kill elderly woman," *Herald-Journal*, January 18, 1990 (Accessed: 04/05/16 http://bit.ly/1S9zyvk)

ordinances.[48] Many California cities and counties have since adopted pit bull sterilization laws.[49]

Owner education has been the focus of the excuses offered for pit bulls for the last 35 years. It has never worked anywhere. This talking point sounds good but it is merely a smokescreen to preserve the status quo. If pit bull advocates could educate pit bull owners on measures necessary to protect the safety of the public, there would be no need for regulation.

A critical form of education for pit bull owners would be the need for spay and neuter for their breed. Roughly a million pit bulls are euthanized in U.S. shelters every year, though this has lowered to about 800,000 in recent years.[50] Pit bull advocates make a show of support for spay and neuter, but fight any mandatory sterilization ordinance with every fiber of their beings. Research done by veterinarians, in their own clinics show clearly that pit bulls have the lowest spay and neuter percentage of any breed seen in clinics, 27%. This is for pit bulls seen in clinics; many pit bulls never see the inside of a veterinary clinic. It is estimated that only 20% (or less) of pit bulls in the community are neutered or spayed.[51] Compare this with Labs at 72%, Goldens at 74%, Beagles at 74%, Dachshund at 66%, Boxers at 58%, Shih Tzu at 57%, Yorkies at 51%, Chihuahuas at 51%, German Shepherds at 58%. This information comes from the April 1, 2011 issue of JAVMA in an article titled, "Epidemiology of surgical castration of dogs and cats in the United States." The research was carried out by veterinarians in their own clinics, 651 of them across the U.S. in 2007.[52]

Pit bull advocates claim that pit bulls are owned by "responsible" people who would love to be compliant with spay and neuter of their pit bulls, but they just can't afford the surgery. This is hokum. Any community can apply for grants for low cost or free spay and neuter services from PetSmart Charities, Petco Foundation, Best Friends or Animal Farm Foundation (and many other organizations). They can obtain thousands of dollars for this purpose, but still cannot "educate" pit bull owners into the wisdom of the surgery. Even when the surgery is absolutely free pit bull owners refuse. Pit bulls are a tax-free cash crop. Kansas City, Missouri got a grant of $100,000 for breed-specific spay and neuter for pit bulls -- Goldens and Labs need not even apply. At the end of the year the city returned $86,365 due to lack of interest despite advertising, including direct mail, radio ads, a Facebook page, and a news release.[53]

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[48] Carolyn Jones, "Pit bull factions find peace in S.F. neuter law," San Francisco Chronicle, July 24, 2010 (Accessed: 04/07/16 http://www.sfgate.com/crime/article/Pit-bull-factions-find-peace-in-S-F-neuter-law-3257850.php)

[49] California breed-specific laws, DogsBite.org (Accessed: 04/05/16 http://www.dogsbite.org/legislating-dangerous-dogs-california.php)

[50] Merritt Clifton, "Record low shelter killing raises both hopes & questions," Animals 24-7, November 14, 2014 (Accessed: 04/06/16 http://www.animals24-7.org/2014/11/14/record-low-shelter-killing-raises-both-hopes-questions/)

[51] Charlotte Alter, "The Problem With Pit Bulls," *Time Magazine*, June 20, 2014 (Accessed: 04/06/16 http://time.com/2891180/kfc-and-the-pit-bull-attack-of-a-little-girl/)

[52] Epidemiology of surgical castration of dogs and cats in the United States, by Trevejo et al., *Journal of the American Veterinary Medical Association*, 2011 Apr;238(7):898-904 (http://www.ncbi.nlm.nih.gov/pubmed/21453178)

[53] Garrett Haake, "Kansas City returns $86,365 of $100,000 PetSmart pit bull grant," KSHB, February 6, 2015 (Accessed: 04/06/16 http://www.kshb.com/news/local-news/kansas-city-returns-86365-of-100000-petsmart-pit-bull-grant)

"Responsible dog owners should have the right to own any breed of dog, personal choice."

There is no constitutional right to own dogs. Within the law, dogs are property and the United States Supreme Court rule over 100 years ago that dogs may be regulated for the purpose of public safety. Many, if not most, of the things that we may legally own are already regulated for the purpose of public safety. You can legally own a gun, but you can't carry it on an airplane or carry it in a hospital. It's regulated. You may legally own alcohol and consume it, but you can't drive drunk and you can't purchase alcohol unless you are of legal age. It's regulated. You can't consume alcohol in an automobile. You can make wine in your home for your own use, but you can't sell it or give it to the neighbor's children or the Department of Alcohol, Tobacco, and Firearms will send agents to your front door. This is regulated. Speaking of tobacco, you can buy it, but can't smoke it in public areas. It's regulated. You can go to the doctor and get a prescription for pain medication and you own that medication, but you can't sell it. It is regulated. You can own a car, but you must drive it in a legal manner or you will be arrested. You must maintain your car to minimum safety standards. You get the point here.

Responsible dog owners behave in a socially responsible manner; they have insurance that covers the medical bills and losses of anyone injured by their dog. Pit bull owners are almost universally uninsured. Nearly all insurance companies, using their own actuarial data, refuse to insure pit bulls. Their own data has taught them that pit bull attacks are extremely expensive. They are not in business to lose money. State Farm is the only insurance carrier that covers pit bulls without question. Call your agent and tell him you are thinking of bringing home a pit bull and see what he says. If you have anything other than State Farm, you will be in trouble. The insurance industry considers actuarial risk when they write a policy. No fuzzy headed thinking goes into these decisions.

"Experts" do not support regulation of dogs by breed.

The "experts" cited by pit bull advocates are all part of the 60 billion dollar a year animal care lobby. They have no interest in public safety. Below is the opinion of a medical doctor who treats children who are the victims of violent dog attacks. He is an "expert," Dr. David Billmire, Professor and director of the Division of Craniofaciacial and pediatric Plastic Surgery at Cincinnati Children's Hospital Medical Center.[54]

> *As one who, for the last 30 years, has been on the receiving end of the dog-bite injuries that pass through the Children's Hospital Emergency Room, as well as on the staff at the Shriners Hospitals for Children where we see the late effects of these injuries from across the nation, I can categorically tell you that the problems associated with dog bites are indeed breed-specific.*

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[54] Dr. David Billmire, "Opinion: There is no need for pit bulls," Cincinnati.com, June 29, 2014 (Accessed: 04/06/16 http://www.cincinnati.com/story/opinion/contributors/2014/06/29/doctor-says-ban-pit-bulls/11709481/)

When I started my career, the most common dog-bite injuries were from German shepherds and occasionally retrievers. These injuries were almost always provoked, such as food-related or stepping on the dog, and in almost every instance, the dog reacted with a single snap and release – essentially a warning shot. There were no pack attacks.

Starting about 25 years ago, my colleagues and I started to see disturbingly different types of injuries. Instead of a warning bite, we saw wounds where the flesh was torn from the victim. There were multiple bite wounds covering many different anatomical sites. The attacks were generally unprovoked, persistent and often involved more than one dog. In every instance the dog involved was a pit bull or a pit bull mix. - *Dr. David Billmire*

All dogs are individuals and should be judged on their behavior, not their breed"

The claim that there is no difference in the level of aggressive behavior among dog breeds is simply outrageous. We all know better from our own life experiences. Dogs are purpose bred. Pointers point because that behavior was selected by breeders. Tracking dogs track for the same reason. Herding dogs herd because that behavior was selected by breeders. One cannot train a Husky to herd; it is simply not in them. Here is a link to in depth material discussing the heritability of behavior. [55]

"Breed specific legislation does not work"

Pit bull advocates will claim that BSL doesn't work because all dog "bites" do not drop like a stone after BSL is passed. This is denial and twisted logic. BSL is not designed to prevent garden-variety dog bites. BSL prevents life ending, or life changing maulings where it is passed and enforced. Residents of cities with BSL strongly support their local laws. BSL has only become a ballot issue twice, in Miami-Dade in 2012, and in Aurora, Colorado during the general election in 2014.[56] Local residents, voicing their opinion in the privacy of the voting booth, free of intimidation by pit bull activists, voted by wide margins to maintain their BSL. Despite all the drama you will see and the demands that will be made in your community, pit bull advocacy will not take this issue to the public by getting signatures on petitions and putting this on the ballot. They know their numbers are fractional and will lose if brought to a public vote.

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[55] Aggressive Dog Breeds: Document nr. 1; Heritability of Behavior in the Abnormally Aggressive Dog, by A. Semyonova, The Carriage House Foundation, November 2006 (http://www.scribd.com/doc/14810086/Heritability-of-Behavior-in-the-Abnormally-Aggressive-Dog-by-A-Semyonova)

[56] 63% of Miami-Dade voters supported the longstanding ban (http://www.miamidade.gov/elections/results-2012.asp), and in Aurora, 64% did (http://auroravotes.org/election-results)

American cities and counties, and locations around the world report dramatic reductions in violent attacks after passage of BSL.[57]

Doctors in Catalonia, Spain reviewed hospitalizations from 1997 to 2008 to see if government regulations, which included breed-specific regulations, enacted in 1999 and 2002 had any impact. Turns out there was a "significant decline" in hospitalizations after enacting these regulations. Please see the full abstract.[58]

> ***Results**: There has been a significant decline in hospitalizations due to dog bites. From 1.80/100 000 in 1997 to 1.11/100 000 in 2006-2008 after the enactment of stricter regulations on dog ownership in 1999 and 2002. The magnitude of this change is significant (-38%) and has been greatest in less urban settings.*
>
> ***Conclusion:** Government regulations were associated with a sizeable decrease in injuries caused by dog bites in Catalonia. More evaluative studies in this field may provide criteria to focus future regulations and other preventative interventions."* -*Injury Prevention, 2010*

You will hear about Bill Bruce, the *former* Director of Animal Services in Calgary, Canada -- pit bull advocates love breed neutral Calgary. Before Bruce left his tenure in August 2012, bites were already climbing. In 2009, the *Calgary Sun* reported:[59]

> *"It's a cause for alarm -- the most disturbing aspect is the rise of bites happening in the home and with immediate neighbors. Said Bill Bruce, Calgary's chief animal services officer ... While aggressive incidents involving dogs remain virtually the same -- 159 in 2009, as compared to 158 in 2010 -- the number of actual bites recorded by Calgary Animal Services has jumped from 58 to 102. Of those 102 puncture wound victims, 54 were strangers, 34 were neighbors and friends, 8 were immediate family and six were service providers like postal workers. Even more frightening is the age of the bitten: 20 of the victims were children aged nine and under ... After years with Labrador Retrievers at the top of Calgary's most-likely to bite list, pit bull and pit bull type dogs have suddenly taken a dubious lead, passing both shepherds and retrievers. Bruce is concerned to see pit bulls as champions of the chomp because the knee jerk reaction...* - *Bill Bruce/Calgary Sun*

Bites went up in Calgary in 2011 as well, from 102 in 2010 to 123 in 2011.[60]

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[57] Cities with Successful Pit Bull Laws; Data Shows Breed-Specific Laws Work, DogsBite.org (Accessed: 04/06/16 http://blog.dogsbite.org/2010/06/cities-with-successful-pit-bull-laws.html)

[58] Decline in hospitalisations due to dog bite injuries in Catalonia, 1997–2008. An effect of government regulation? By Joan R Villalbi, Injury Prevention, 2010;16:408-410 doi:10.1136/ip.2010.026997 (http://injuryprevention.bmj.com/content/16/6/408.abstract)

[59] Michael Platt, "Biting criticism of dog owners," *Calgary Sun*, January 4, 2011 (Accessed: 04/06/16 http://www.calgarysun.com/news/columnists/michael_platt/2011/01/05/16763991.html)

It is significant that Bill Bruce is a darling of pit bull advocacy, he supports pit bulls 100%, but when the numbers began to get disturbing Bruce did a quick exit out and immediately became an advisor to the National Canine Research Council. Canadian publications report that Bruce also served as an advisor to NCRC during his tenure.[61] There are no coincidences; pit bull advocacy is a very small, but very vocal special interest group.

Along with Spain, a study from Canada published by *Injury Prevention* in 2012[62] also revealed that breed-specific regulations reduced hospitalizations for dog bite injuries. In June 2012, the National Post reported:[63]

> *"I was surprised at the result at first myself," said Dr. Malathi Raghavan, an epidemiologist at the university and the lead researcher. "It leaves me with a positive impression [of the laws]. There's something in it"...*
>
> *The overall provincial rate of bite-related hospitalizations dropped – to 2.8 per 100,000 people from 3.5 – after "breed-specific legislation" was implemented in several municipalities, it concluded. But the numbers in Winnipeg – one of the first cities in North America to crack down on pit bulls – did not budge, the paper noted.*
>
> *That may be due to the fact that the total number of pet dogs has been growing, possibly leading to more bites overall, the researchers suggested. To filter out that complication, they compared Winnipeg to Brandon, a Manitoba city that has never prohibited pit bulls or similar dogs. They found that the relative rate of bites requiring hospital admission did, in fact, fall in Winnipeg after its ban went into place." -*
> *National Post/Dr. Raghavan*

"The media only reports pit bull bites."

The media reports the news; they do not create the news. All dog mauling fatalities are reported . If there was a fatal Pug mauling you can bet your last dollar it would be headline material. In recent years we have seen a shift in how fatal dog attacks are reported. The difference is a result of strong lobbying on the part of Best Friends and Animal Farm Foundation. Reporters are urged to avoid breed identification; this serves the interests of breed advocacy, but not the interests of the peaceful public. Fortunately, many newspapers

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[60] Nadia Moharib, "Dog bite attacks in Calgary climbed in 2011,"*Calgary Sun*, February 25, 2012 (Accessed: 04/06/16 http://www.calgarysun.com/2012/02/25/dog-bites-attacks-in-calgary-climbed-in-2011)

[61] Barbara Kay, "Pit bulls are disproportionally dangerous. Why is Calgary importing more of them?" *National Post*, August 11, 2015 (Accessed: 04/06/16 http://news.nationalpost.com/full-comment/barbara-kay-pit-bulls-are-disproportionally-dangerous-why-is-calgary-importing-more-of-them)

[62] Effectiveness of Breed-Specific Legislation in Decreasing the Incidence of Dog-Bite Injury Hospitalisations in People in the Canadian Province of Manitoba, by Malathi Raghavan et al., Injury Prevention, Published Online First, June 30, 2012 (http://injuryprevention.bmj.com/content/early/2012/06/29/injuryprev-2012-040389.full?ga=w_bmjj_bmj-com)

[63] Tom Blackwell, "Controversial pit bull bans result in fewer dog bites: study," *National Post*, July 5, 2012 (Accessed: 04/06/16 http://news.nationalpost.com/news/canada/controversial-pit-bull-bans-result-in-fewer-dog-bites-study)

and TV stations do not play along with this game. Eventually a sheriff or an animal control officer, or a family member will identify the breed.

"Media reports cannot be relied upon"

The complaint is made that DogsBite.org, Animals 24/7, and Daxton's Friends for Canine Education use media reports for breed identification. Media reports are multi-sourced and are based on police reports, statements from animal control officers, family members, witnesses and even veterinarians. There is no media conspiracy. A news article must be based on fact; if a reporter just makes up details the news source can be sued. Much has been made of the decision of the CDC to stop studying the area of fatal dog attacks and breed identification. Breed-specific advocates take this as something wonderful. They forget, however, that the 20-year joint CDC, AVMA study (Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998) determined most of their breed identifications directly from news sources.[64]

> *We collected data from The Humane Society of the United States (HSUS) and media accounts related to dog bite attacks and fatalities, using methods from previous studies.1-3 The HSUS maintains a registry of human DBRF, including date of death, age and sex of decedent, city and state of attack, number and breeds of dogs involved, and circumstances relating to the attack. To supplement HSUS reports, as in the past, a database6 was searched for accounts of human DBRF that occurred in 1997 and 1998. Our search strategy involved scanning the text of newspapers and periodicals for certain words and word combinations likely to represent human DBRF followed by a review of articles containing those terms. Data obtained from HSUS and news accounts were merged to maximize detection of human DBRF and avoid duplicate reports.* - *CDC/AVMA study authors*

Also from this study:

> *Despite these limitations and concerns, the data indicate that Rottweilers and pit bull-type dogs accounted for 67% of human DBRF in the United States between 1997 and 1998. It is extremely unlikely that they accounted for anywhere near 60% of dogs in the United States during that same period and, thus, there appears to be a breed-specific problem with fatalities.* - *CDC/AVMA study authors*

Take a look at the entire 20-year study. There are some tables that should make anyone think twice. The only difference today is that these two dog breeds now account for 76% of

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[64] Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998, by Sacks, Sinclair, Gilchrist, Golab and Lockwood, *Journal of the American Veterinary Medical Association*, September 15, 2000, Vol. 217, No. 6, Pages 836-840 (http://www.cdc.gov/homeandrecreationalsafety/images/dogbreeds-a.pdf)

all deaths. From January 2005 to December 2015, dogs in this country killed 360 people. The combination of pit bulls and rottweilers accounted for 273 deaths.[65] Modern data shows that the CDC was absolutely correct about the "breed-specific problem with fatalities."

"BSL is expensive"

This claim will always be linked to a document paid for by extreme pit bull advocacy and created by John Dunham & Associates. Dunham creates financial reports for hire. These reports will "prove" anything that is desired. Dunham refers to his technique as "guerilla economics." Before embarking on his consulting practice, Dunham spent years producing "research" for the now defunct Tobacco Institute. There are over a thousand documents referencing Dunham in the publicly available archive, "Truth Tobacco Industry Documents."[66]

The following is a passage from DogsBite.org and discusses the sham BSL Calculator manufactured by Dunham (Is enforcement of a breed-specific law expensive?). The calculator exaggerated the enforcement costs of Miami-Dade County's pit bull ban by nearly two orders of magnitude. Turns out the actual cost was only $46,000 annually.[67]

> *In 2012, when Miami-Dade County officials voted to place the pit bull ban on the primary ballot, pit bull advocate Dalia Caines testified to committee members that "taxpayers paid $3 million annually to enforce the ban on pit bulls." Caines' spurious figures came from the bogus "BSL Fiscal Impact Calculator," peddled by Utah-based fighting dog advocates, Best Friends Animal Society and designed by John Dunham, who formerly produced "research" for Big Tobacco.*
>
> *When commissioners asked the Animal Services director to verify if the fiscal impact to the county of the pit bull ban was $3 million, director Alex Munoz said that $3 million was more than the department's entire budget for enforcement and that pit bulls accounted for 2% of the enforcement expenses. The sham BSL calculator was funded by the National Canine Research Council, a subsidiary of Animal Farm Foundation. Jane Berkey owns and operates both.*
>
> *To break this down more concretely, we examined the 2011-2012 Miami-Dade County Animal Services budget on the county's website. The total budget for the department was $9.36 million. The total budget for Code Enforcement was $2.3 million. Director Munoz stated that pit bulls accounted for 2% of total enforcement costs, which equates to $46,140. The BSL calculator, which claimed the ban cost taxpayers $3*

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[65] 2015 dog bite fatality statistics, DogsBite.org (Accessed: 04-05/16 http://www.dogsbite.org/dog-bite-statistics-fatalities-2015.php)

[66] Truth Tobacco Industry Documents, An archive of 14 million documents created by tobacco companies about their advertising, manufacturing, marketing, scientific research and political activities, hosted by the UCSF Library and Center for Knowledge Management. (Accessed: 04/06/16 https://industrydocuments.library.ucsf.edu/tobacco/)

[67] Breed-specific legislation FAQ, DogsBite.org (Accessed: 04/06/16 http://www.dogsbite.org/legislating-dangerous-dogs-bsl-faq.php)

million, is an exaggeration by almost two orders of magnitude. -
DogsBite.org

One Council Member's Experience

Earlier, we quoted a form letter crafted by Best Friends that was sent to Council members of Shaker Heights, Ohio. The city began studying a pit bull ban after the brutal pit bull mauling death of 71-year old Annie Williams in 2015.[68] At the end of the process of proposing the ban ordinance, including the public hearings, Council member Nancy Moore shared her first hand experience with a victim's advocate. Moore voted in support of the ordinance. The following is an email exchange between the two.

> ***Council Member:*** *"I agree 100 percent with EVERYTHING you say in your email. I shared all this information with every single Council member BEFORE the vote. I voted in support of the proposed ordinance along with one other very convicted Council member. The rest caved as you so accurately observed after being bullied by a group of very rude, impolite, uncivil selfish people who actually dissed our Mayor during the entire Council meeting. I had to stand up at one point and call the meeting back to civil order. Never in my twenty years of elected office have I seen such behavior in any chamber of government. I was ashamed to be in the same room with these people who care more about their dogs than they do for the dead and maimed victims of pit bull attacks in our city. I wanted to tell you how much I appreciated your support throughout this long battle. You were more important than you know."* -Nancy R. Moore, Shaker Heights Council member
>
> ***Victim's Advocate:*** *"May I share your comments publically?"*
>
> ***Council Member:*** *""Absolutely you can share my comments. I believe that what happened in Shaker Hts. was that five elected officials (out of seven) were "reached" by local residents whose efforts were organized and supported by a well-financed and organized national pit bull lobby. These local residents were coached by people within this lobby, who are very experienced in fighting BSL, about which arguments to use in their public campaign that would make them appear to be more sympathetic. They became the altruistic protectors of a poor and unfairly maligned breed of dogs up against the big, bad city. Not a single person opposing the proposed law ever addressed one single comment over four months time to the first part of this proposed ordinance that would have required owners of these dogs or any dog that had been declared dangerous or vicious to be neutered, licensed and registered, muzzled when in public, and covered by liability insurance. It was not coincidence that pit bull advocates NEVER mentioned this reasonable*

[68] Ryllie Danylko, "Neighbor shot pit bull that killed woman in Shaker Heights (video, audio)," Cleveland.com, July 13, 2015 (Accessed: 04/07/16 http://www.cleveland.com/shaker-heights/index.ssf/2015/07/neighbor_shot_pit_bull.html)

part of the proposed ordinance. It was a crafted strategy by some clever folks and they were not local.

In addition, the campaign that was orchestrated in Shaker included regular public dissemination of disinformation. People would stand up in the public comment portion of Council meetings when the ordinance was on reading and cry on cue. This happened at every meeting. They would sit in the Council Chamber dry-eyed until they approached the podium and then not only the women but also a couple of men would turn toward the cameras and the media and break out in tears. Racked by sobs, they would say how the big bad city was taking away their sweet little pitties who had never harmed a soul. This was patently untrue. We had grandfathered existing owners of four breeds in the ordinance for the entire lives of their pets.

Another blatant piece of evidence that this opposition came from outside of Shaker Heights was a digital campaign that flooded every Council member's email inbox with hundreds of form letters opposing BSL. The emails came from all over the United States. The first line of this form letter when sent from a gmail address warned that this email might not have been sent by that sender. When we attempted to respond to residents, the server rejected our responses. The server was eventually traced to a website owned and operated by one of these lobbies located outside of Ohio. This campaign was suddenly ended when the executive director of the local APL contacted this outside lobbying organization and it deleted the Shaker Heights contact information that had been posted on its website. Disinformation and selective altruistic arguments designed to appeal to a broad-minded liberal-leaning population with tons of money (Shaker residents) were crafted by some very smart and experienced pit bull lobbyists. They helped local residents who owned pit bulls and who did not want their animals regulated under law. These residents listened, learned and were organized to persuade and in some cases intimidate local Council members who found some very surprising rationales for their "no" votes.

Members of City Council were personally called by attorneys on retainer by outside groups and lobbied to vote against the proposed ordinances. That the calls occurred is beyond doubt.

In this campaign, two separate public records requests were made in Shaker before the vote on the proposed ordinance. The first requested any written communication between any Council member and any member of the public that mentioned the death of Annie Williams, an elderly woman killed by a pit bull in July, 2015 in Shaker Heights. The second was broader and requested all communications having anything to do with pit bulls or the proposed legislation. These requests sapped

staff time, Council time and had the net effect of making all elected officials feel threatened with possible litigation.

The actual threat of litigation was made by many opponents of this legislation almost on a daily basis to members of City Council. Members were told that by enacting this law, they would be paying the costs of the inevitable future court fights on the taxpayers's dime.

Then at a time very close to the final reading of the proposed ordinance, a substitute or amended sample ordinance was emailed to all City Council members with the message that it and only it should replace the proposed ordinance which should be withdrawn BEFORE any vote. It is certainly a valid question whether an outside source was consulted during the drafting of this substitute ordinance.

In sum, the campaign that succeeded in persuading five out of seven City Council members to vote down the proposed dog ordinances was a cleverly and well-organized effort that included heavy support from outside pit bull lobbies that effectively destroyed what had begun as a consensus by our public officials to support BSL legislation and ended as a political rout.

I believe that, in addition to having gained another victory against BSL, our Shaker opposition has handed these outside pit bull lobbies one further victory: They will all now be in possession of new significant lists of hundreds of wealthy Shaker donors who owe these lobbies for their local assist and will no doubt contribute to the future swelling of their coffers. Not a bad take for one small short local BSL fight. ." -Nancy R. Moore, Shaker Heights Council member

Opposition Stems from Outside Sources

The other blatant piece of evidence that this opposition came from outside sources was the digital campaign that flooded every Council member's email inbox. As noted earlier, the messages came from the Best Friends' legislative action tool powered by Capwiz.[69] Council member Moore, who uses a Gmail address, was alerted to these emails due to Gmail warnings. Google understands when a "third party server," in this case the Capwiz application, tries to send an email claiming to be "From a Gmail server" when it is not. Not only did Gmail flag all of these incoming messages with a warning, Moore noted that Gmail rejected all of her attempts to respond to these messages. This is one of many ways that Gmail prevents spam and phishing attempts.

[69] Capwiz (www.Capwiz.com) has since been named "Engage." It is an "all in on advocacy tool to help you advance your issues, educate and mobilize supporters, and track campaign performance," states the website. (Accessed 04/05/16 http://cqrollcall.com/engage/)

The form letter flooding campaign suddenly ended when the executive director of the local Animal Protective League contacted the out-of-state lobbying organization, Best Friends, and told them to remove the Shaker Heights email campaign from their "Legislative Action Center." Disinformation and selective altruistic arguments designed to appeal to a broad-minded, affluent and liberal-leaning population (Shaker residents) were crafted by very experienced pit bull lobbyists. They helped local residents who owned pit bulls and did not want their animals regulated under law. These residents listened, learned and were organized to persuade, and in some cases intimidate, local Council members who found some very surprising rationales for their "no" votes.

Members of City Council were personally called by attorneys on retainer by outside groups and lobbied to vote against the proposed ordinance.

Deliberate Public Records Requests

Also in this campaign, two separate public records requests were made in Shaker Heights before the vote on the proposed ordinance. The first requested any written communication between any Council member and any member of the public that mentioned the mauling death of Annie Williams. The second was broader and requested all communications having anything to do with pit bulls or the proposed legislation. These deliberate requests did what they were designed to do: exhaust staff time, Council time and had the net effect of making all elected officials feel threatened with possible litigation.

The actual threat of litigation was made by many opponents of the proposed pit bull ban legislation almost on a daily basis to members of City Council. Members were told that by enacting this law, they would be paying the costs of the inevitable future court fights on the taxpayer's dime. Then at a time very close to the final reading of the proposed ordinance, a substitute or amended sample ordinance was emailed to all City Council members with the message that it and only it should replace the proposed ordinance, which should be withdrawn before any vote. It is certainly a valid question whether an outside source was consulted during the drafting of this substitute ordinance.

In sum, the campaign that succeeded in persuading five out of seven City Council members to vote down the proposed ordinance was a clever and well-orchestrated effort that included heavy support from outside pit bull lobbying groups. What had begun as a consensus by local public officials to support BSL legislation after the death of Annie Williams ended as a political rout.

Summary and Recommendation

We have considered this issue from many angles. We looked at who will appear in your city council meetings, the organizations bankrolling and backing the protests in your community and the talking points that will be used in an attempt to bully your council members and other city officials. At this point one has to wonder why only one dog breed

requires this enormous level of advocacy and a 24/7/365 need for damage control. You will not see demands by Beagle breeders, or Poodle owners, or Golden Retriever fans, because these dogs are not regularly in the news for killing or mauling humans, pets or livestock. These dogs are also normally covered by homeowners insurance in the event of a bite. Pit bulls are almost universally uninsured. The insurance industry is well aware of the increased liability of pit bulls. Using their own actuarial data, the overwhelming majority of insurance carriers have decided that pit bulls are dangerous and refuse to write policies for them.

Put the Issue on the Ballot

The strategies used by pit bull advocacy rely on deceit, emotion, and intimidation. The advocates filling your city council chambers are primarily non-local too. Many are not your constituents. Peaceful people in your community are intimidated and threatened by pit bull advocacy and will likely not appear in council chambers in great numbers, but they do have strong opinions on this issue. This is why we recommend placing the issue of a pit bull ordinance on the ballot. Allow your actual constituents to have the final say. All of the evidence so far -- the pit bull ban ballot votes from Aurora, Colorado and Miami-Dade County, Florida -- supports that by a wide margin, the voting public supports BSL.

Appendix A - Appellate Court Rulings

Court rulings that affirm the ability of dog owners of "ordinary intelligence" to identify pit bulls. More information can be found on the DogsBite.org Constitutionality page.[70]

2011 - Court of Appeals of Kansas

State v. Lee, 257 P. 3d 799 - Kan: Court of Appeals 2011[71]

> *Given the holding in Hearn, the common meaning of the term "predominantly" as used in the ordinance, and the existence of physical characteristics that make the breed of these dogs recognizable upon visual observation by an owner, veterinarian, or breeder, we conclude as a matter of law that the ordinance sufficiently conveys a definite warning and fair notice of the proscribed conduct and adequately guards against arbitrary and discriminatory enforcement.* - *Court of Appeals of Kansas*

2009 - United States Court of Appeals, Tenth Circuit

Dias v. City and County of Denver, 567 F. 3d 1169 - Court of Appeals, 10th Circuit 2009[72]

> *The Ordinance provides a clear standard to determine violations—it references breed standards articulated by the American Kennel Club or the United Kennel Club. Denver, Colo., Ordinances § 8-55. The City of Denver keeps a copy of these standards on file at their office for reference by the public, id., and the breed standards are available online at www.akc.org (American Kennel Club) and www.ukcdogs.com (United Kennel Club). Although the standards are somewhat scientific in scope, they are not so scientific that a person of ordinary intelligence would be unable to understand their meaning. The Ordinance, therefore, certainly specifies a normative standard to which members of the public can conform their conduct.* - *United States Court of Appeals, Tenth Circuit*

2007 - United States District Court, N.D. California

American Canine Foundation v. Sun, Dist. Court, ND California 2007[73]

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[70] DogsBite.org - Constitutionality (http://www.dogsbite.org/legislating-dangerous-dogs-constitutionality.php) Appellate Court Decisions (http://www.dogsbite.org/legislating-dangerous-dogs-appellate-court-decisions.php)

[71] https://scholar.google.com/scholar_case?case=15392036617684405626&q=%22notice+of+the+proscribed+conduct+and+adequately+guards%22&hl=en&as_sdt=6,44&as_vis=1

[72] https://scholar.google.com/scholar_case?case=10436908776201928276&q=Colorado++Dias+v.+City+and+County+of+Denver&hl=en&as_sdt=6,44&as_vis=1

[73] https://scholar.google.com/scholar_case?case=14190727115308452132&q=ACF+v.+Sun++&hl=en&as_sdt=6,44&as_vis=1

In any event, given that the Ordinance, on its face, applies to, inter alia, "any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, [or] Staffordshire Bull Terrier" and provides that the "AKC and UKC standards for [those] breeds are listed on their websites as well as online through the Animal Care and Control Department`s [ ] website," see San Francisco Health Code § 43(a), it is difficult to imagine, at least with respect to purebred specimens, how the breed could be identified more precisely in the Ordinance. Indeed, courts regularly have rejected vagueness challenges to ordinances, on similar grounds, albeit based on an evidentiary record. See, e.g., American Dog Owners Ass`n v. Dade County, Florida, 728 F. Supp. 1533, 1541-42 (S.D. Fla. 1989) (rejecting vagueness challenge to ordinance defining "pit bull" by reference to AKC and UKC standards); Colorado Dog Fanciers, Inc. v. City and County of Denver, 820 P.2d 644, 650-52 (Colo. 1991)(rejecting vagueness challenge to ordinance containing identical definition of "pitbull" as instant ordinance); Greenwood v. City of North Salt Lake, 817 P.2d 816 (Utah 1991) (rejecting vagueness challenge to ordinance applicable to, inter alia,American Staffordshire Terriers and Staffordshire Bull Terriers); State v. Anderson, 566 N.E. 2d 1224 (Ohio 1991) (rejecting vagueness challenge to ordinance applicable to "any dog that . . . [b]elongs to a breed that is commonly known as a pitbull dog"). - *United States District Court, N.D. California*

2007 - Supreme Court of Ohio

Toledo v. Tellings, 114 Ohio St. 3d 278 - Ohio: Supreme Court 2007[74]

Finally, the court of appeals erred in holding that R.C. 955.11 and 955.22 and Toledo Municipal Code 505.14 are void for vagueness. This court has previously held that the term "pit bull" is not unconstitutionally void for vagueness. In State v. Anderson, we stated: "In sum, we believe that the physical and behavioral traits of pit bulls together with the commonly available knowledge of dog breeds typically acquired by potential dog owners or otherwise possessed by veterinarians or breeders are sufficient to inform a dog owner as to whether he owns a dog commonly known as a pit bull dog." - *Supreme Court of Ohio*

2004 - Missouri Court of Appeals, Eastern District

City of Pagedale v. Murphy, 142 SW 3d 775 - Mo: Court of Appeals, Eastern Dist. 2004[75]

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[74]https://scholar.google.com/scholar_case?case=916649190463663700&q=%22toledo+v.+tellings%22&hl=en&as_sdt=6,44&as_vis=1

[75]https://scholar.google.com/scholar_case?case=5987084145851104397&q=City+of+Pagedale+v.+Murphy&hl=en&as_sdt=6,44&as_vis=1

Here, City Ordinance No. 1169 states, "No person shall within the City raise, maintain or possess within his or her custody or control a dog of the 'pit bull' breed." (Emphasis added). There does not appear to be any Missouri case addressing the precise issue of whether the use of the term "pit bull" in an ordinance or statute without a definition is so vague and indefinite that the law is unconstitutional. However, the Supreme Court of Ohio in State v. Anderson, 57 Ohio St.3d 168, 566 N.E.2d 1224 (Oh.1991), cert. denied, Anderson v. Ohio, 501 U.S. 1257, 111 S.Ct. 2904, 115 L.Ed.2d 1067 (1991), has addressed the constitutionality of a similar law in their jurisdiction. We find its reasoning and holding instructive and apply it here.

In that case, the Ohio statute stated that a "vicious dog" was any dog that "'belong[ed] to a breed that is commonly known as a pit bull dog,'" and that "[t]he ownership, keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.'" Id. at 1225 (quoting Ohio R.C. 955.11(A)(4)(a)(iii)). The dog owner in that case claimed on appeal that this statute was unconstitutionally void for vagueness. Id. at 1226.

*The court disagreed with the dog owner and held that the statute was not unconstitutionally void for vagueness. The court reasoned that "pit bull dogs are distinctive enough that the ordinary dog owner knows or can discover with reasonable effort whether he or she owns such a dog." Id. at 1227. The court specifically discussed certain distinguishable physical characteristics[1] of pit bulls, as well as certain distinctive behavioral features.[2] Id. at 1227-28. 779*779 The court concluded that "the physical and behavioral traits of pit bulls together with the commonly available knowledge of dog breeds typically acquired by potential dog owners or otherwise possessed by veterinarians or breeders are sufficient to inform a dog owner as to whether he owns a dog commonly known as a pit bull dog." - Missouri Court of Appeals, Eastern District*

1993 - Court of Appeals of Wisconsin

Dog Federation v. City of South Milwaukee, 178 Wis. 2d 353 - Wis: Court of Appeals 1993[76]

Although there are decisions that have ruled pit bull ordinances too vague to pass constitutional muster, see American Dog Owners Ass'n v. City of Des Moines, 469 N.W.2d 416, 417-418 (Iowa 1991) (ordinance banning Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier or dogs of any "other breed or mixed breed ... known as pit bulls, pit bull dogs or pit bull terriers"); American Dog

[76]https://scholar.google.com/scholar_case?case=13329534759972628585&q=Dog+Federation+v.+City+of+South+Milwaukee&hl=en&as_sdt=6,44&as_vis=1

*Owners Ass'n v. City of Lynn, 533 N.E.2d 642, 646 (Mass. 364*364 1989) (identification by breed name insufficient) (dictum), the Federation and the individual appellants here have not carried their burden of demonstrating beyond a reasonable doubt that the City of South Milwaukee ordinance is impermissibly vague on its face. As Peters notes, "'the dog owner, who harbors the dogs at his residence, is the one subject to the penalties of the law. He should know the kind of dogs he owns.'" 534 So.2d at 768 n.13 (citation omitted). Simply put, a person acquires a dog for certain physical and mental characteristics. The ordinance puts persons who have or acquire dogs on sufficient notice of the type of dog that is prohibited. Accepting as verities for the purpose of this decision Dr. Brown's conclusions that there is no absolute way to determine whether a dog is in fact a pit bull as defined in the ordinance, those conclusions do not overcome the presumption of constitutionality. Problems of ultimate proof do not make the ordinance unduly vague on its face.[6] As succinctly phrased by Peters, whether a dog is within the ordinance "is a matter of evidence, not constitutional law."* - *Court of Appeals of Wisconsin*

1991 - Supreme Court of Iowa

American Dog Owners Ass'n v. Des Moines, 469 NW 2d 416 - Iowa: Supreme Court 1991[77]

Subsections vi, vii and viii of the ordinance refer to particular breeds of dog. The record shows that the determination of a dog's breed can be done according to objective standards, although there are limits on the precision of such classifications. We believe the breed classifications listed in subsections vi, vii and viii give the reader as much guidance as the subject matter permits. We believe these subsections permit a reader of ordinary intelligence to determine which dogs are included. - *Supreme Court of Iowa*

1989 - Court of Appeals of Ohio

State v. Robinson, 44 Ohio App. 3d 128 - Ohio: Court of Appeals 1989[78]

In Garcia v. Tijeras (1988), 108 N.M. 116, 767 P. 2d 355, a New Mexico Court of Appeals upheld a municipal ordinance banning the ownership or possession of a breed of dog "known as American Pit Bull Terrier." As in the case at bar, the animal owners in Garcia challenged the ordinance as violating due process on the basis of vagueness for failing to adequately define "American Pit Bull Terrier." The trial court

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[77]https://scholar.google.com/scholar_case?case=8709176599996612386&q=American+Dog+Owners+v.+Des+Moines&hl=en&as_sdt=6,44&as_vis=1

[78]https://scholar.google.com/scholar_case?case=12072053346044749957&q=%22As+in+the+case+at+bar,+the+animal+owners+in+Garcia+challenged%22&hl=en&as_sdt=6,44&as_vis=1

found that American Pit Bull Terrier is a recognized breed readily identifiable by laymen, and rejected the dog owners' argument that the ordinance lacked meaningful standards that could be used to identify those dogs subject to its prohibition. - *Court of Appeals of Ohio*

1989 - United States District Court, S.D. Ohio, W.D.

Vanater v. Village of South Point, 717 F. Supp. 1236 - Dist. Court, SD Ohio 1989[79]

> *"The Court concludes that the definitions of a Pit Bull Terrier in this Ordinance are not unconstitutionally vague. An ordinary person could easily refer to a dictionary, a dog buyer's guide or any dog book for guidance and instruction; also, the AmericanKennel Club and United Kennel Club have set forth standards for Staffordshire BullTerriers and American Stafforshire Terriers to help determine whether a dog is described by any one of them. While it may be true that some definitions contain descriptions which lack "mathematical certainty," such precision and definiteness is not essential to constitutionality.* - *United States District Court, S.D. Ohio, W.D.*

1989 - Supreme Court of Kansas

Hearn v. City of Overland Park, 772 P. 2d 758 - Kan: Supreme Court 1989[80]

> *The New Mexico Court of Appeals upheld a similar local ordinance from a challenge for impermissive vagueness in Garcia 644*644 v. Village of Tijeras, 108 N.M. 116, 767 P.2d 355 (Ct. App. 1988). The village ordinance prohibited the ownership or possession in the village of "any dog of the breed known as American Pit Bull Terrier." The Court of Appeals concluded that there was sufficient evidence in the record to support the findings of the trial court.*
>
> > *"The trial court found that the American Pit Bull Terrier is a recognized breed of dog readily identifiable by laymen. We understand the trial court's finding to have been that the breed can be identified by persons who are not qualified to be dog show judges....*
> >
> > *"There was testimony at trial that the term 'pit bull' is the generic term for 'American Staffordshire Terrier.' There was also testimony at trial that there is no difference between the American Staffordshire Terrier and the American Pit Bull Terrier.*
> >
> > *"In addition, there was testimony that each breed of dog has a*

[79]https://scholar.google.com/scholar_case?case=16912859984704309429&q=+Vanater+v.+South+Point+&hl=en&as_sdt=6,44&as_vis=1

[80]https://scholar.google.com/scholar_case?case=16283498779568487378&q=Hearn+v.+City+of+Overland+Park&hl=en&as_sdt=6,44&as_vis=1

typical physical appearance termed as 'phenotype,' and that an unregistered dog can be identified as being of the breed 'American Pit Bull Terrier' by its physical characteristics, or phenotype. Several witnesses testified that they could recognize an American Pit Bull Terrier by its physical characteristics.

"We believe this evidence supports a determination that the breed American Pit Bull Terrier is a breed of dog recognized by its physical appearance. Given our obligation to indulge every presumption in favor of constitutionality, we interpret the term 'known as' in light of the testimony at trial. Thus, we interpret the ordinance to include not only dogs that are registered, but also dogs that are recognizable, as American Pit Bull Terriers or American Staffordshire Terriers." - *Supreme Court of Kansas*

1988 - District Court of Appeal of Florida, Third District

State v. Peters, 534 So. 2d 760 - Fla: Dist. Court of Appeals, 3rd Dist. 1988[81]

As the ordinance makes clear, a dog is a "pit bull" if it substantially conforms to the American Kennel Club standard for Staffordshire Terriers or the American Kennel Club standard for Staffordshire Bull Terriers or the United Kennel Club standard for American Pit Bull Terriers. An owner or prospective owner of a dog need only look at each of the three standards and determine whether the dog is described by any one of them; if it is, then that the dog is not described by the other standards is irrelevant. - *District Court of Appeal of Florida, Third District*

1988 - Court of Appeals of New Mexico

Garcia v. Village of Tijeras, 767 P. 2d 355 - NM: Court of Appeals 1988[82]

The trial court found that the American Pit Bull Terrier is a recognized breed of dog readily identifiable by laymen. We understand the trial court's finding to have been that the breed can be identified by persons who are not qualified to be dog show judges ...

In addition, there was testimony that each breed of dog has a typical physical appearance termed as "phenotype," and that an unregistered dog can be identified as being of the breed "American Pit Bull Terrier" by its physical characteristics, or phenotype. Several witnesses testified that they could recognize an American Pit Bull Terrier by its physical characteristics.

We believe this evidence supports a determination that the breed

[81]https://scholar.google.com/scholar_case?case=2084434235930597087&q=%22substantially+conforms+to+the+American+Kennel+Club+standard+for+Staffordshire+Terriers+%22&hl=en&as_sdt=6,44&as_vis=1

[82]https://scholar.google.com/scholar_case?case=13121426726701895120&q=Garcia+v.+Village+of++Tijeras&hl=en&as_sdt=6,44&as_vis=1

American Pit Bull Terrier is a breed of dog recognized by its physical appearance. Given our obligation to indulge every presumption in favor of constitutionality, we interpret the term "known as" in light of the testimony at trial. Thus, we interpret the ordinance to include not only dogs that are registered, but also dogs that are recognizable, as American Pit Bull Terriers or American Staffordshire Terriers." - *Court of Appeals of New Mexico*

Appendix B - Medical Studies

Medical studies from the Studies Index section of DogsBite.org. To read abstracts, and full studies when available, please visit this part of the website.

Dog Bite Death and Injury Studies

A collection of studies showing that pit bull attacks cause more fatalities, more serious injuries leading to longer hospital stays and higher costs.

http://www.dogsbite.org/dog-bite-statistics-bibliographies-injury-studies.php

- Ocular Trauma From Dog Bites: Characterization, Associations, and Treatment Patterns at a Regional Level I Trauma Center Over 11 Years, by Prendes MA, Jian-Amadi A, Chang SH and Shaftel SS, Ophthalmic Plastic and Reconstructive Surgery, June 2015, [Epub ahead of print].
- Morbidity of pediatric dog bites: A case series at a level one pediatric trauma center, by Erin M. Garvey, Denice K. Twitchell, Rebecca Ragar, John C. Egan and Ramin Jamshidi, Journal of Pediatric Surgery, February 2015, Volume 50, Issue 2:343-346.
- Dog bites of the head and neck: an evaluation of a common pediatric trauma and associated treatment, by Daniel C. O'Brien, BS, Tyler B. Andre, MD, Aaron D. Robinson, MD, Lane D. Squires, MD and Travis T. Tollefson, MD, MPH, American Journal of Otolaryngology, Published Online: September 25, 2014.
- Periorbital Trauma from Pit Bull Terrier Attacks, by Wladis EJ, Dewan MA, Ophthalmic Plastic Surgery, Lions Eye Institute, Department of Ophthalmology, Albany Medical College, Slingerlands, NY 12159, USA, Orbit, 2012 Jun;31(3):200-2.
- Effectiveness of Breed-Specific Legislation in Decreasing the Incidence of Dog-Bite Injury Hospitalisations in People in the Canadian Province of Manitoba, by Malathi Raghavan, Patricia J Martens, Dan Chateau, and Charles Burchill, Injury Prevention, Published Online First, June 30, 2012 (View related post).
- Mortality, Mauling, and Maiming by Vicious Dogs, by John K. Bini, MD, Stephen M. Cohn, MD, Shirley M. Acosta, RN, Marilyn J. McFarland, RN, MS, Mark T. Muir, MD and Joel E. Michalek, PhD; for the TRISAT Clinical Trials Group, Annals of Surgery, April 2011 - Volume 253 - Issue 4 - p 791–797 (View related post).
- Dog Bites of the Face, Head and Neck in Children, by Horswell BB, Chahine CJ,West Virginia Medical Journal, 2011 Nov-Dec;107(6):24-7.

- Multi-Staged Autologous Reconstruction of the Face, by Lawrence J. Gottlieb and Russell R. Reid, The Know-How of Face Transplantation, edited by Maria Z. Siemionow, Springer, 2011.
- Emergency Department Visits and Inpatient Stays Involving Dog Bites, 2008, by Laurel Holmquist, M.A. and Anne Elixhauser, Ph.D., Agency for Healthcare Research and Quality, Rockville, MD., November 2010.
- Decline in Hospitalisations Due to Dog Bite Injuries in Catalonia, 1997–2008. An Effect of Government Regulation?, by Joan R Villalbi, Montse Cleries, Susana Bouis, Víctor Peracho, Julia Duran and Conrad Casas, Injury Prevention, August 2010;16:408-410.
- Pediatric Dog Bite Injuries: A 5-Year Review of the Experience at The Children's Hospital of Philadelphia, by Kaye, Alison E. M.D.; Belz, Jessica M. M.D.; Kirschner, Richard E. M.D., Plastic and Reconstructive Surgery, August 2009 - Volume 124 - Issue 2 - pp 551-558.
- Bites, Animal (Catastrophic Pit Bull Attack Injury), by Alisha Perkins Garth, MD, Coauthor(s): N Stuart Harris, MD, FACEP, eMedicine, Updated: June 25, 2009.
- Omental Free-Tissue Transfer for Coverage of Complex Upper Extremity and Hand Defects--The Forgotten Flap, by Iris A. Seitz, Craig S. Williams, Thomas A. Wiedrich, Ginard Henry, John G. Seiler and Loren S. Schechte, PubMed, March 25, 2009.
- Head and Neck Dog Bites in Children, by Angelo Monroy, MD, Philomena Behar, MD, Mark Nagy, MD, Christopher Poje, MD, Michael Pizzuto, MD, and Linda Brodsky, MD, Otolaryngology–Head and Neck Surgery, 140, 354-357 2009.
- A Ten-Year, Two-Institution Review of Pediatric Dog Attacks: Advocating for a Nationwide Prohibition of Dangerous Dogs, by Jugpal S. Arneja, MD, FRCSC, Kara Pappas, B.S., William Huettner, M.D., Arlene A. Rozzelle, M.D., Gurbalbir Singh, M.D., FRCSC., American Association of Plastic Surgeons - 2008 Annual Meeting
- Pitbull Mauling Deaths in Detroit, by Cheryl L. Loewe MD, Francisco J. Diaz MD, and John Bechinski DO, The American Journal of Forensic Medicine and Pathology, Vol 28, December 2007.
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- Dog Bites in Urban Children, by Jeffrey R. Avner and M. Douglas Baker, Pediatrics,Vol. 88 No. 1 July 1, 1991 pp. 55-57.
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- Dog Bites in Children: Focus on Posttraumatic Stress Disorder, by Larry Schmitt, MD, Contemporary Pediatrics, July 1, 2011. (View: related article)
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- Mental Health Consequences of Trauma: The Unseen Scars, by Michael Finn Ziegler, Clinical Pediatric Emergency Medicine, Volume 11, Issue 1, Pages 57-64; March 2010.
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- Psychological Impact of Trauma on Developing Children and Youth, by C. Richard Spates, Nishani Samaraweera, Brian Plaisier, Theresa Souza and Kanako Otsu,Primary care, Volume 34, Issue 2, Pages 387-405; June 2007.
- Posttraumatic Stress Disorder After Dog Bites in Children, by Vincent Peters, Martine Sottiaux, Jocelyne Appelboom and André Kahn, Journal of pediatrics,Volume 144, Issue 1, Pages 121-122; January 2004.
- Symptomatology and Adaptive Functioning for Children Exposed to Normative Stressors, Dog Attack, and Parental Violence, by Rossman BR, Bingham RD, and Emde RN, Journal of the American Academy of Child & Adolescent Psychiatry,1997, 36:1089-1097.

Dog Bite Fatality Studies

A collection of studies examining dog bite-related fatalities and statistical trends authored by public health experts, doctors, veterinarians and others.

http://www.dogsbite.org/dog-bite-statistics-bibliographies-fatality-studies.php

- Dog Attack Deaths Maimings, U.S. & Canada, September 1982 to December 31, 2014, by Merritt Clifton, Animals 24-7, December 31, 2014.
- Report: U.S. Dog Bite Fatalities January 2006 to December 2008, by DogsBite.org, www.DogsBite.org, April 20, 2009.
- Human Fatalities Resulting From Dog Attacks in the United States, 1979–2005, by Ricky L. Langley, Wilderness & Environmental Medicine, April, 2009 ;20(1):19-25.
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- Traumatic Deaths from Dog Attacks In the United States, by Pickney LE. Kennedy LA, Pediatrics, 1982;691:193-196.
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International

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