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SPECIAL SECTION:

VICIOUS-DOG LEGISLATION—CONTROLLING THE PIT BULL

HUMANE CONCERNS ABOUT DANGEROUS-DOG LAWS

*Randall Lockwood**

I. INTRODUCTION

During the last several years, legislators and the general public have come to recognize the human and animal problems caused by irresponsible pet ownership.¹ Virtually every state has reviewed its animal-control laws and many, including Rhode Island,² Washington,³ Texas,⁴ and Ohio,⁵ have substantially revised those laws. At the local level, many cities have drafted new ordinances dealing with vicious or dangerous dogs.⁶

What has prompted this flood of activity? Dog bites have always been a serious problem, but one that traditionally has received little media attention. Indeed, the seriousness of the dog-control problem had aroused officials' concern as early as 1974 when public health officials referred to dog bites as an "unrecognized epidemic."⁷ In that same

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1. The Humane Society of the United States has circulated guidelines that address irresponsible pet ownership. The guidelines were promulgated to assist communities in the reevaluation of their animal-control laws. See HUMANE SOCIETY OF THE UNITED STATES, GUIDELINES FOR REGULATING DANGEROUS OR VICIOUS DOGS 4 (1987) [hereinafter HSUS GUIDELINES].

2. R. I. GEN. LAWS §§ 4-13.1-1 to -13.1-14 (Supp. 1986).

3. WASH. REV. CODE ANN. §§ 16.08.010-.100 (Supp. 1987).

4. TEX. PENAL CODE ANN. §§ 42.111-.12 (Vernon Supp. 1987). For an in-depth analysis of the Ohio law, see Legislation Note, 13 U. DAYTON LAW REV. 297 (1988).

5. OHIO REV. CODE ANN. §§ 955.01-.99 (Anderson Supp. 1987).

6. Watson, *A Mean Breed or a Defamed Pooch?*, INSIGHT, July 27, 1987, at 54, 55 (noting that "[s]cores of communities around the country have tried to adopt legislation to control pit bulls"). See also Metaxas, *Popular 'Pit Bulls' Breed Legal Furor*, NAT'L L.J., Nov. 10, 1986, at 1, col. 1.

7. Harris, Imperato & Oken, *Dog Bites—An Unrecognized Epidemic*, 50 BULL. N.Y. ACAD.

year a survey of mayors and city councilmen ranked animal-control problems as the number one complaint of citizens.⁸ Since 1974, however, the number of fatal attacks attributed to dogs has remained fairly constant at about twelve per year,⁹ and subsequent studies suggest the actual number of dog bites is declining.¹⁰ Nonetheless, public concern over effective dog control has dramatically increased in the past two years.

Several similarities in recent dog-bite cases may be responsible for this increase in public concern. First, a growing number of lawsuits arising from dog bites have resulted in damage awards that approach and exceed one million dollars.¹¹ A second similarity is the increased proportion of dog bites that are attributed to a single type of dog, the "pit bull."¹² A third similarity is that pit bull attacks have been related to illegal dogfighting activities and other crimes.¹³

Increased public concern has prompted many communities to acknowledge that existing laws fail to address changing animal-control problems.¹⁴ Unfortunately, community recognition alone does not provide the support needed to implement effective and humane animal control. Lack of support has been a long-standing problem. Both inadequate laws and a lack of support lead to situations where the health and safety of people and animals are endangered. A common community reaction to these problems is an attempt to legislate such problems away.

Why do many communities consider new laws necessary? Most existing animal-control laws have evolved from common law,¹⁵ dating

MED. 981 (1974).

8. Bancroft, *America's Mayors and Councilmen: Their Problems and Frustrations*, NATION'S CITIES, Apr. 1974, at 14, 14-22, 24.

9. Lockwood & Rindy, *Are "Pit Bulls" Different? An Analysis of the Pit Bull Terrier Controversy*, 1 ANTHROZOOS 2, 5 (1987).

10. Lockwood, *Vicious Dogs: Communities, Humane Societies, and Owners Struggle with a Growing Problem*, HUMANE SOCIETY NEWS, Winter 1986, at 1 ("Reported bites to letter carriers dropped from 7,000 in 1983 to under 6,000 in 1984. In New York City, reported dog bites fell from more than 40,000 six years ago to under 10,000 in 1984.").

11. Metaxas, *supra* note 6, at 28, col. 3 (discussing as examples a verdict of \$785,000 and a structured settlement of \$5,402,000).

12. Swift, *The Pit Bull, Friend and Killer*, SPORTS ILLUSTRATED, July 1987, at 74, col. 3 (noting that twelve of the eighteen "dog-related fatalities" in the United States that occurred from the beginning of 1986 to mid-1987 were caused by pit bulls, "a breed which accounts for only 1% of the U.S. dog population").

13. See, e.g., *Pit Bulls Used in Two Attacks, Sending Victims to Hospital*, N.Y. Times, Sept. 4, 1987, at B4, col. 1 (noting that a pit bull was used in a robbery) [hereinafter *Pit Bulls Used in Two Attacks*].

14. See generally Comment, *Banning the Pit Bull: Why Breed-Specific Legislation Is Constitutional*, 13 U. DAYTON L. REV. 279 (1988).

15. HSUS GUIDELINES, *supra* note 1, at 1.

from a time when dogs were either working animals on a farm or family companions. Under common law, dogs were presumed to be docile and owners were held liable for injuries only in the case of negligence or in situations involving an animal with a known vicious propensity.¹⁶ In practice, the principal criterion for establishing vicious propensity under early common law was a previous bite.¹⁷

The early common-law approach to dog-bite legislation fails to recognize the complex role of dogs in twentieth-century culture. The common-law approach also ignores changing social values¹⁸ that have resulted in the widespread harboring of potentially dangerous animals. Most existing laws also fail to consider modern knowledge of "animal behavior, animal welfare, and the epidemiology of animal bites."¹⁹ In addition, existing laws tend to ignore the needs of the animals and place the burden of punishment on the animals, rather than on the irresponsible owners who are ultimately responsible for the problems caused by their pets. Finally, many animal-control laws originated for the purpose of rabies control.²⁰ It is obvious that strategies that may be effective in controlling disease are different from strategies that may be effective in regulating the behavior of people and their pets.

Increased public concern and antiquated dangerous-dog ordinances have therefore contributed to the enactment of new legislation throughout the country. A more apparent reason for enacting new dangerous-dog ordinances, however, has been legislative reactions to tragic, well-publicized dog attacks.²¹ This type of swift legislative response to complex, long-standing problems usually fails to provide a real solution. Instead, what is needed are laws that are effective, enforceable, humane, and tailored to twentieth-century culture. A large proportion of the new animal-control laws emerging in the last several years have not achieved these objectives.²²

16. See, e.g., *Domm v. Hollenbeck*, 259 Ill. 382, 385, 102 N.E. 782, 783 (1913).

17. *Id.* But see RESTATEMENT (SECOND) OF TORTS § 509(g) (1977) (noting that "[a] dog is not necessarily regarded as entitled to one bite").

18. HSUS GUIDELINES, *supra* note 1, at 1.

19. *Id.*

20. See generally *Sentell v. New Orleans & C.R.R.*, 166 U.S. 698 (1896); *Thiele v. City & County of Denver*, 135 Colo. 442, 312 P.2d 786 (1957).

21. See *Topeka Capital-Journal*, Sept. 5, 1986, at 13, col. 1. The Racine, Wisconsin, Common Council agreed to review a proposed ordinance banning the ownership of pit bulls after a four-year-old boy was attacked by a pit bull. *Id.* The boy was pried from the dog's jaws only after the owner shot the pit bull in the head. *Id.*

After several attacks by pit bulls in the first seven months of 1987, Mayor Edward I. Koch of New York City proposed a ban on the sale and possession of pit bulls. See *Pit Bulls Used in Two Attacks*, *supra* note 13; see also Comment, *supra* note 14, at 294.

22. See *Lockwood & Rindy*, *supra* note 9, at 3.

II. EFFECTIVENESS

The effectiveness of many existing dangerous-dog laws is limited by the assumption that animal-control problems are solely the result of the "vicious propensity" of the animals involved. Researchers are, however, discovering that this is only part of the problem. As a previous study has indicated:

A dog's tendency to bite is a product of at least five factors:

- The dog's genetic predisposition to be aggressive
- The early socialization of the animal to people
- Its training for obedience or mistraining for fighting
- The quality of care and supervision provided by the owner
- The behavior of the victim.

All these factors interact.²³

Thus, a dog whose genetic predisposition is to be aggressive may present little or no danger if the dog is well-trained and reasonably supervised, whereas an animal with little innate tendency to bite may become dangerous if improperly trained, socialized, supervised, treated, or provoked.²⁴ Effective animal-control laws should therefore consider all these possibilities and provide for appropriate methods of enforcement.

III. ENFORCEABILITY

An effective law must also be legally, logically, and practically enforceable. *Legal* questions surrounding the constitutionality of some provisions of dangerous-dog laws, which are beyond the scope of this comment, have been reviewed in a *University of Cincinnati Law Review* article²⁵ and elsewhere in this volume.²⁶ *Logical* enforceability means that laws must avoid mandating actions based on logical or scientific impossibilities. For example, some recent proposed legislation contains special provisions for pit bulls or any dog whose breeding is at least 25% pit bull!²⁷ The positive identification of an animal of un-

23. *Id.* at 7.

24. HSUS GUIDELINES, *supra* note 1, at 2. Roy Carlberg, Executive Secretary of the American Kennel Club, has been quoted as saying: "You can take any dog of any type and with the right conditions make it a vicious dog It's a question of ownership responsibility." Metaxas, *supra* note 6, at 28, col. 2.

25. See generally Comment, *The New Breed of Municipal Dog Control Laws: Are They Constitutional?*, 53 U. CIN. L. REV. 1067 (1984).

26. See generally Comment, *supra* note 14; Legislation Note, *supra* note 4.

27. The Administrative Code of New York City states: "'Pit bull' or 'pit bull terrier' means <https://ecommons.udayton.edu/udlr/vol13/iss2/5>

known origin as a pit bull or non-pit bull is controversial enough.²⁸ The positive identification of genetic contributions to mixed breeds is a scientific impossibility.²⁹

Many dangerous-dog laws drafted without the input of animal-welfare and animal-control organizations, or conceived in a climate of hysteria, prove to be unenforceable for a variety of *practical* reasons.³⁰ For instance, animal-control laws, in general, are meaningless if there is no local animal-control agency in place to offer enforcement. Most animal-welfare groups, and many municipal-policy organizations, recognize that animal control is an essential community responsibility that should be budgeted like any other public service.³¹ Once publicly funded, it is also suggested that animal-control agencies should have the power to investigate and remedy animal-abuse problems. Unfortunately, this type of practical enforcement is unlikely to materialize in the United States because few states mandate county-wide animal control.³²

Even when communities are equipped to provide county-wide animal sheltering and control, new dog laws may be unenforceable for other reasons. One such reason is the fact that animal-control operations are traditionally grossly under-budgeted and understaffed.³³ In addition, animal-control personnel often lack the advanced training that may be necessary to handle potentially-dangerous animals in a

any dog which at a minimum, contains as an element of its breeding at least twenty-five percent of any of the following three breeds of dog: American Staffordshire Terrier, Staffordshire Bull Terrier and Bull Terrier." NEW YORK CITY, N.Y., ADMIN. CODE Int. No. 888, subch. 6, § 17-342 (July 14, 1987).

28. Watson, *supra* note 6, at 55. The article states:

[P]roblems with identification cause pit bulls to take the rap for attacks by other breeds. Adding to the confusion is the debate between the American Kennel and United Kennel clubs. American Kennel recognizes and registers the American Staffordshire terrier, which United Kennel views as the same animal and registers as the American pit bull terrier. In addition, "pit bull" is often used as a blanket reference to not only the American pit bull terrier and American Staffordshire terrier but also the Staffordshire bull terrier, bulldog, bullterrier, Boston terrier, boxer and others.

Id.

29. Comment, *supra* note 25, at 1080 (some Ohio veterinarians argued that they could not specifically identify a dog's breed because no known scientific test was available to do so).

30. See *infra* notes 31-42 and accompanying text.

31. 18 MANAGEMENT INFORMATION SERVICE, NO. 7, LOCAL ANIMAL CONTROL MANAGEMENT 2 (1986) [hereinafter MIS REPORT].

32. Humane Society of the United States, Survey 1 (June 13, 1988) [hereinafter HSUS Survey] (on file with the University of Dayton Law Review) (noting that 14 states—Connecticut, Florida, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, and Virginia—currently mandate municipal or county animal control).

33. HSUS GUIDELINES, *supra* note 1, at 3.

safe and humane fashion.³⁴ Furthermore, the physical facilities available for animal sheltering are also often inadequate to house aggressive animals or fighting dogs that are likely to be targets of theft.³⁵

Effective enforcement of well-developed dangerous-dog laws may prove difficult for other reasons as well. For example, courts have traditionally treated violations of animal-control laws as trivial,³⁶ despite the fact that such violations have led to severe injuries and fatalities.³⁷ In order to remedy these kinds problems, judicial officials must be educated about the seriousness of both animal-control and anti-cruelty laws.

Even with well-drafted laws, well-trained animal-control personnel, and well-informed courts, enforcement of dangerous-dog laws can easily break down if there is an inadequate system of reporting and recording injuries caused by animals.³⁸ If reports taken by police, health departments, and animal-control personnel are not properly reported and recorded, then the laws enacted to protect society from vicious animals cannot work. Most existing animal-control laws use reports of previous bites to determine the vicious propensity of an animal.³⁹ However, few communities have a good system of reporting bites in a way that allows animal-control agencies to easily trace an animal's biting history. In fact, a survey of health-department policies in all fifty states revealed only three state health departments that kept any statewide animal-bite records that could be of use for animal control.⁴⁰ If states fail to maintain these kinds of essential records, a local agency interested in protecting its citizens from dangerous animals begins at a decisive disadvantage.

The enforcement of new animal-control laws is also dependent on public acceptance.⁴¹ Any law that is likely to affect a large segment of citizens must be accompanied by a public education campaign. If the public is uninformed or misinformed about new regulations there is little chance of compliance. For instance, Ohio dog laws include provisions requiring owners to report a transfer of ownership and to pay a

34. MIS REPORT, *supra* note 31, at 13.

35. *Pit Bull Slated for Death Missing From Pound*, Kansas City Times, July 9, 1987, at 1, col. 1.

36. Eppinger, *Laxity of the Law*, GEO, Nov. 1979, at 76, col. 1.

37. *Three Pit Bulls Maul Man In East Side Alley*, Columbus Dispatch, May 22, 1987, at 1A, col. 5.

38. HSUS GUIDELINES, *supra* note 1, at 4.

39. *Id.* at 1.

40. See generally HSUS Survey, *supra* note 32.

41. MIS REPORT, *supra* note 31, at 14 ("The success of every . . . aspect of animal control depends on the cooperation of an informed public.")

small fee that goes to an animal-control fund.⁴² This provision, however, is virtually unknown to the public. The net result is a substantial loss to the fund.

IV. HUMANE CONCERNS

Pet ownership is popularly considered to be a right, rather than a privilege, despite the fact that many people seem unprepared to carry out the responsibilities of pet ownership. From a humane perspective, animal-control laws must focus on problems posed by irresponsible pet owners while having minimal impact on owners whose animals are unlikely to cause problems.

Humane and effective animal-control laws must be designed to protect the welfare of animals, as well as public health. Laws drafted without input from humane organizations can inadvertently contribute to animal suffering,⁴³ and therefore, are likely to receive heavy opposition from animal-welfare advocates and the general animal-loving public.

One of the greatest concerns to animal-welfare groups is the estimated 7.6 million unwanted animals euthanized in shelters each year.⁴⁴ There are simply not enough responsible homes available⁴⁵ to accept these condemned animals. Laws that *unnecessarily* add to the expense of responsible ownership only serve to magnify this tragedy. According to reports from the Humane Society of the United States (HSUS) Great Lakes Regional Office, the recent Ohio legislation⁴⁶ has resulted in a significant increase in the number of animals surrendered to shelters.⁴⁷ Although many of these animals may have represented a potential threat to public health, many others were surrendered by owners who did not understand the provisions of the law and believed that they were required to surrender their animals.⁴⁸

Humane organizations have also raised questions about the handling and housing of animals that may result from changes in dangerous-dog laws. Even the most dangerous dog would be of no risk to the public if it were kept in a concrete bunker, but this could not be considered humane. In addition to food and water, all animals need adequate space, shelter from the elements, and opportunities for exercise and so-

42. OHIO REV. CODE ANN. § 955.11(B) (Anderson Supp. 1987).

43. Lockwood, *supra* note 10, at 3 ("Although humans are ultimately the cause of nearly all dog attacks, it is usually the animals that pay the consequences, rather than their owner.").

44. MIS REPORT, *supra* note 31, at 2.

45. *Id.*

46. *See infra* note 59-64 and accompanying text.

47. Telephone interview with Sandy Rowland, Director of the HSUS Great Lakes Regional Office, Bowling Green, Ohio (Apr. 11, 1988).

48. *Id.*

cialization. Ohio's law mandates a secure enclosure for animals deemed dangerous,⁴⁹ but it fails to provide for these basic needs. Ironically, some proposed laws would *require* keeping dangerous dogs on a heavy chain.⁵⁰ Restrained animals have, in fact, been involved in many dog attacks⁵¹ between 1984 and 1987. Restraints such as heavy chains may contribute to an animal's predisposition to be aggressive and are therefore likely to *increase* the risk of danger of attack on people.

Animal shelters are intended to serve as temporary homes for impounded animals until they can be returned to their owners, adopted, or humanely destroyed.⁵² However, some recent vicious-dog laws have placed many shelters in the role of storage vault while legal battles are resolved.⁵³ Animal control laws should guarantee animals the same privilege of speedy "trial" granted to people,⁵⁴ especially since an impounded animal is often suffering for the negligence of its owner. Questions of the vicious nature of an animal, including an appeal process, *must* be resolved quickly. Researchers have encountered many cases involving disputes concerning a dog's nature that have dragged on for months longer than the ten days required for a rabies quarantine.⁵⁵ In most of these situations the principal victims have been either the dogs themselves or the animal-control facility, which often must bear the costs of impoundment.

In cases where destruction of an animal is warranted, vicious-dog laws must require that this be done in a humane fashion.⁵⁶ Unfortunately, in the absence of well-trained and responsible animal-control personnel, concern for public safety has led to abuses by overzealous law officers,⁵⁷ including several instances of allegedly peaceful animals being shot.⁵⁸

49. OHIO REV. CODE ANN. § 955.22(D)(1)-(2) (Anderson Supp. 1987).

50. See, e.g., Eufala, Okla., Ordinance 87-7-1 (July 6, 1987) (requiring vicious dogs, the definition of which includes pit bulls, to be kept in locked enclosures and chained), noted in *Officer Kills Pit Bull in Chicago Attack*, Dayton Daily News and Journal Herald, July 7, 1987, at 23, col. 4.

51. See Lockwood & Rindy, *supra* note 9, at 6.

52. MIS REPORT, *supra* note 31, at 6.

53. *Two Pit Bulls Ordered Destroyed*, Dayton Daily News and Journal Herald, Oct. 17, 1987, at 1, col. 1. Two pit bull dogs that had attacked and killed a Dayton, Ohio, physician were held at the Montgomery County Animal Shelter from April 1987 until October 1987, when they were ordered to be destroyed. *Id.*

54. HSUS GUIDELINES, *supra* note 1, at 5.

55. See *supra* note 54.

56. HSUS GUIDELINES, *supra* note 1, at 12.

57. *Pit Bull Slain by Policeman*, Dayton Daily News and Journal Herald, July 29, 1987, at 3, col. 1. (noting that in the span of less than four months, three pit bulls were destroyed by Dayton police).

58. *Police Shoot Pit Bulldogs in Owner's Home*, Dayton Daily News and Journal Herald, July 7, 1987, at 3, col. 2. Two pit bull dogs were shot when Dayton police responded to a domes-

V. SOLUTIONS

Ohio's 1987 dog law⁵⁹ is representative of many that are beginning to appear. It has many good provisions that follow HSUS's *Guidelines for Regulating Dangerous or Vicious Dogs*⁶⁰ but it fails to go far enough in protecting animals. Although dogs that have killed other dogs are considered "vicious" under the law,⁶¹ it does not regard non-fatal attacks on dogs or attacks on cats as a sign of dangerous nature. Furthermore, in response to pressure from hunting groups, the law permits vicious dogs to be running at large if engaged in hunting or training for hunting!⁶²

In my opinion, however, the most controversial provision of Ohio's law and of many local ordinances throughout the country is the breed-specific language that singles out "pit bulls" for per se characterization as vicious dogs.⁶³ The Ohio law provides, in reference to any "dog that belongs to a breed that is commonly known as a pit bull dog,"⁶⁴ 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."⁶⁵ The problems of overinclusiveness, underinclusiveness, vagueness, and due process that may be inherent in such provisions have been discussed extensively elsewhere.⁶⁶ Needless to say, the constitutional problems of breed-specific legislation have not been settled.

Breed-specific regulations often come from a legitimate desire to identify problem animals *before* they cause injury.⁶⁷ However, breed-specific provisions provide a superficial response to a deeper problem. Although "pit bull" type dogs have lately been implicated in a disproportionate number of severe attacks and fatalities,⁶⁸ this is a recent phenomenon that seems to reflect a consistent breed preference among

tic-violence call at a Dayton home. *Id.* The owner said that the dogs were sleeping with their backs turned to the police when shot. *Id.*

59. OHIO REV. CODE ANN. §§ 955.01-99 (Anderson Supp. 1987), *discussed in* Legislation Note, *supra* note 4.

60. HSUS Guidelines, *supra* note 1.

61. OHIO REV. CODE ANN. § 955.11(A)(4)(a)(ii) (Anderson Supp. 1987).

62. *Id.* § 955.20(D).

63. *Id.* § 955.11(A)(4)(a)(iii).

64. *Id.*

65. *Id.*

66. *Compare* Comment, *supra* note 25 (arguing that breed-specific laws are unconstitutional); Legislation Note, *supra* note 26, at 304-08 (arguing that such provisions of the Ohio law are unconstitutional) *with* Comment, *supra* note 14 (arguing that breed-specific laws are constitutional).

67. HSUS GUIDELINES, *supra* note 1, at 3-4.

68. Cantu, *Efforts to Ban Pit Bulls Sparks Arguments over Residents' Safety and Civil Liberties*, Wall St. J., July 6, 1987, at 13, col. 4 ("In the past four years, 28 Americans have been murdered by dogs. In 20 cases, the attackers were pit bulls.")

irresponsible owners, rather than a universal characteristic of the dogs. In the past, similar focus was placed on other breeds that were fashionable among people likely to be negligent in the handling of their dogs.⁶⁹ Breed-specific laws penalize responsible owners and good dogs, while failing to address the many problems posed by other breeds and their owners. It is for this reason that most major animal-welfare organizations, including HSUS,⁷⁰ the American Humane Association,⁷¹ the American Society for the Prevention of Cruelty to Animals,⁷² and the Massachusetts SPCA,⁷³ recommend *against* breed-specific legislation. This view is also shared by many veterinary groups, and the two major dog-breed registries, the American Kennel Club⁷⁴ and the United Kennel Club.⁷⁵

VI. CONCLUSION

There is consensus among groups involved with animal welfare concerning the necessary actions that must be taken to address the recent surge in public concern about dog bites. Most agree that laws must judge animals and their owners by their actions, but that such laws should not require that someone be bitten before a dog and its owner are brought into the system. It is also agreed that a process must exist by which these laws can be firmly enforced. Enforcement, of course, must include swift action on legitimate complaints. In addition, these groups recognize the need to take strong action against irresponsible owners, particularly chronic offenders. They also point to the need for widespread education concerning the humane treatment and control of animals to make the public aware of the animal and human suffering that can result from improper breeding, training, or care of pets. Specific suggestions for responsible regulation are outlined in HSUS's *Guidelines for Regulating Dangerous or Vicious Dogs*.⁷⁶

Laws are a human invention, designed to deal with human shortcomings. We must realize that companion animal problems are ulti-

69. Metaxas, *supra* note 6, at 28, col. 3; see also *The Most Dangerous Dog in America*, U.S. NEWS & WORLD REP., Apr. 20, 1987, at 24.

70. See generally HSUS GUIDELINES, *supra* note 1.

71. Telephone interview with Jennifer Orme, American Humane Ass'n, Denver, Colo. (Jan. 18, 1988).

72. Testimony at Public Hearing, New York City, by John F. Kullberg, President, ASPCA (Aug. 18, 1987).

73. Telephone interview with Carter Luke, Massachusetts SPCA (Feb. 3, 1988).

74. See Cantu, *supra* note 68, at 13, col. 5 (Roy Carlberg, Executive Secretary of the American Kennel Club, said, "It's tantamount to saying that only people of a (particular) ethnic background are criminals.").

75. See Weitzman, *What to Do: How to Do It if Breed-Specific Legislation Is Proposed in Your Area*, BLOODLINES, Jan.-Feb. 1988, at 122, col. 3.

76. See generally HSUS GUIDELINES, *supra* note 1.

mately the result of human ignorance and greed. If laws are to succeed in resolving these problems, these human flaws must be their targets.

