



The American Rottweiler Club

SPECIAL REPORT

The Investigation and Analysis of the Veterinary Medical Literature Regarding Ear Cropping and Tail Docking

*The Impact of Animal Rights Extremism Upon the Veterinary
Profession and Globalization of Animal Welfare Legislation*

June 17, 2009

**The Legislative Committee
The American Rottweiler Club**

About The American Rottweiler Club

The American Rottweiler Club is a 501 (c) 3 organization dedicated to the promotion of the Rottweiler breed in the United States, the advancement of animal welfare and animal health, and advocating for fair, enforceable legislation that protects animals and the public health.

About This Special Report

The American Rottweiler Club has gathered citations from numerous veterinary journals, publications both on- and off-line and out-of-print texts for commentary and criticism; which constitutes “fair use” of these materials in the preparation and presentation of this Special Report.

We wish to thank the ARC Legislative Committee, specifically Barbara Haywood and Gwen Chaney, for their extensive research and contributions to this report, Ms. Barbara Kolk of the AKC Library for her specialized contributions of the historical texts and knowledge of breeds in the context of 18th, 19th and 20th century literature, and the many breed clubs around the world who have shared their insights regarding animal rights extremism and its impact upon the veterinary profession, positions and legislation on a global basis.

ARC’s Commitment To Animal Welfare

The American Rottweiler Club is deeply committed to the highest level of care for our dogs, and NOTHING is more important than the health and welfare of our dogs, which is the very reason for the existence of our club.

That the American Rottweiler Club is a clearly and unequivocally opposed to inhumane treatment of any animal is a fact without question.

As careful and conscientious stewards of our breed, our mission is and always has been to promote the health and welfare of the Rottweiler. The dedication, knowledge and passion that our members bring to the table helps to elevate the welfare of the Rottweiler and indeed, all dogs.

Rottweiler owners, through various Rottweiler groups, fund veterinary medical research at numerous vet schools across the country, and provide financial support to at least forty-five different Rottweiler rescue groups, including groups that rescue mixed breed dogs, as well as dogs with and without docked tails.

Our commitment to our dogs, the advancement of animal welfare and the human-animal bond, runs deep.

The Rottweiler Breed Standard and ARC Mandatory Practices

The American Rottweiler Club welcomes all input, suggestions and recommendations from the AVMA, as we value this input which in turn facilitates an open dialogue between our organizations.

We advise the AVMA that it is the American Rottweiler Club, in our role as the AKC Parent Club for the Rottweiler in the United States, which is solely responsible for setting and maintaining the Breed Standard for the Rottweiler.

Safeguarding the health and welfare of the Rottweiler is one of the purposes for which breed clubs are intended. The American Rottweiler Club also supports Mandatory Practices for its members. These rules and guidelines have their basis in the support and advancement of the health and welfare of our breed. Through these practices and other guidelines, our members ever strive to protect future generations of our breed.

The Breed Standard and Mandatory Practices are truly a testament to the deep and unshakeable commitment the American Rottweiler Club and its members have in the advancement of animal welfare.

Changes to our Breed Standard have been carefully developed and managed since the recognition of the Rottweiler in 1939.

The ARC Position On Tail Docking

We concur with the American Kennel Club that ear cropping and tail docking, as prescribed in certain breed standards, is an acceptable practice integral to defining and preserving breed character, enhancing good health, and preventing injuries - and *not merely for cosmetic purposes*.

The Rottweiler Breed Standard was first approved in 1939, eight years after the first Rottweiler was registered in the AKC Stud Book.

Prior to that time, the Rottweiler was a docked breed in Europe. The ARC stands firm in supporting our Breed Standard "Tail - Tail docked short, close to body, leaving one or two tail vertebrae."

These Breed Standards have been carefully developed from centuries of breeding and sound veterinary medical advice to promote the optimum health and functionality of the Rottweiler in every role imaginable, from beloved household pets, to therapy dogs, to herding or working dogs.

As the many veterinary medical professionals who have cared for our breed since 1939 can attest, as well as those veterinarians caring for any number of the 79 docked or cropped breeds, tail docking and dew claw removal, when done within days of birth on a healthy puppy, are as non-invasive a surgery that is ever performed on any canine. The puppies never miss a meal.

It is the position of the American Rottweiler Club that the AVMA's revised policy defining all tail docking as "cosmetic" by default does a great disservice to our members and their professional veterinary medical care providers, who have worked together over the years to provide the very highest levels of care to our beloved breed.

ARC Rejects The AVMA's Revised Crop & Dock Policy

The American Rottweiler Club, having duly considered each and every aspect of the AVMA revised policy on ear cropping and tail docking, rejects this policy in its entirety.

The AVMA position change carries the burden of a vast number of intended and unintended consequences, which are detailed in this letter.

The American Rottweiler Club has articulated the core issues with the revised AVMA policy on ear cropping and tail docking, which include, but are not limited to, the following:

- 1. The AVMA now defines ALL cropping/docking procedures as “cosmetic” – and in so doing negates any other basis for these procedures**
- 2. The AVMA position lacks any empirical, data-driven scientific evidence**
- 3. The AVMA position aligns with animal rights extremists, relies solely on citations specific to anti-crop/anti-dock campaigners in the UK, Australia and New Zealand, responsible for driving the anti-cropping/docking legislation in those countries or outdated, historical materials dating to the 19th and early 20th centuries.**
- 4. NONE of the AVMA citations emanate from veterinary authors or related veterinary journals in the United States**
- 5. Current AVMA publications concerning ear cropping and tail docking are deliberately false and misleading**
- 6. The AVMA “Guidelines For Response” are in effect a reverse onus**
- 7. The AVMA “Guidelines For Response” holds dissenters to a different and higher standard of “proof” than the AVMA requires of itself**
- 8. The AVMA position interferes with the private relationship between dog owners and their veterinary healthcare providers**
- 9. The AVMA position is the foundation for the criminalization of dog ownership and standard and legal veterinary medical practices.**
- 10. The AVMA position is part of an initiative to “globalize” animal welfare laws**

About Our Official Response

It was imperative that the American Rottweiler Club respond to the AVMA regarding this important policy change in a thoughtful and precise manner.

With regard to the direction given to the ARC by the AVMA in the context of “*AVMA Guidelines for Response*”, which dictates that “*requests for revisions of policy be accompanied by “data-based evidence” that supports the benefits (or detriments)*” of said policies, we have worked hard to fulfill these guidelines.

Therefore, due diligence dictated that if our response was to adhere to the *AVMA Guidelines or Response*, that we conduct in-depth research and review of the contemporary and historical veterinary literature, and follow it with a complete audit and analysis, in order to provide the requested data-based evidence.

To aid in our research, the American Rottweiler Club has gathered a broad network of expert veterinary medical, historical and legal resources.

The scope of our research has literally covered several hundred years, and you will be pleased to know that our efforts have included a complete and thorough search for each statement made by the AVMA, and every publicly available reference cited by the AVMA in support of its revised position opposing all ear cropping and tail docking.

We are sure that the esteemed members of the AVMA Animal Welfare Committee will agree that the sound research, analysis and summary of the AVMA position materials is of benefit to all stakeholders, including other dog clubs or animal-related organizations, pet owners, veterinarians and public policy makers concerned with the AVMA’s revised policy on cropping and docking.

ARC Research & Analysis Summary

Our research included sourcing each AVMA citation, analyzing the written text of AVMA position publications concerning tail docking in the context of the citations, and providing a summary of the relevance of the actual citations to the AVMA's position paper.

We felt it important to facilitate a clear understanding of this response for both the members of the American Rottweiler Club as well as the AVMA.

Therefore, we have provided the esteemed members of the AVMA Animal Welfare Committee a compendium of our research and analyses, which includes:

- **A full audit and analysis of the AVMA's revised crop/dock position**
- **A full audit and analysis of the AVMA's online publication, *Canine Tail Docking: Frequently Asked Questions*, including research & analysis of twenty-five (25) citations listed**
- **A full audit and analysis of the AVMA's paper, *The Welfare Implications of Dogs: Tail Docking*, (Oct. 2008) including research & analysis of each of the thirteen (13) citations**
- **Inventory of non-US-based citations**
- **Bios and biases of authors cited by AVMA's Animal Welfare Committee**
- **Timeline of anti-cropping/docking movement**

Summary Of Findings

Our findings of the materials and citations used by the AVMA are troubling, to say the least.

The results of the research and audit conducted by the ARC clearly show that the revised AVMA policy is not based on any data-driven science *whatsoever*, but rather a political philosophy, which signals a new and disturbing change from within the AVMA organization.

This change is one clearly aligned with a political agenda and reveals the drive to “harmonize” animal welfare laws and policies with those found abroad, (UK, EU, AU, NZ) here in the United States.

In other words – the globalization of the animal rights agenda is within reach and proponents seek to impose its extremist philosophy upon the citizens of the United States via the AVMA.

Most alarming is the fact that the AVMA, an organization which purports to be an “*authoritative, science-based resource for animal welfare*”, has now departed from its standard of veterinary and journalistic ethics by publishing a biased position, one which lacks any basis in science, an action which seriously undermines the public trust.

While a complete summary our research can be found in the Addendum to this document, we note the following:

- **NONE of the citations used by the AVMA contain any empirical, science-based or data-based evidence whatsoever**
- **Most of the authors cited by the AVMA show a clear bias for an “animal rights” agenda**
- **Many of the AVMA citations date to the 19th century, when medicine in general, let alone veterinary medicine, was practiced without the benefit of sterile instruments or in sterile environments**
- **None of the contemporary veterinary citations used by the AVMA originate in the United States**

The Reverse Onus In “AVMA Guidelines For Response”

The “*AVMA Guidelines For Response*” - sent to the American Rottweiler Club by the AVMA - contain the singular yet disingenuous requirement that anyone opposing or challenging the AVMA Revised Policy on Ear Cropping and Tail Docking must supply “**data-based evidence**” (as compared to anecdotal opinion) that “*supports the practices of tail docking and ear cropping as “cosmetic procedures”*”.

By its own admission, the AVMA is fully aware that **no such data-based evidence exists - because no studies have been conducted** to support the therapeutic value of “*cosmetic*” procedures – i.e. cropping or docking of dogs.

Yet, the AVMA has set the submission of such “data-based evidence” to be the only means by which the AVMA will consider any request for a revision to the policy.

Such a requirement might be analogous to the famous directive in the Wizard of Oz, in which the wizard utters “*Bring Me The Broom of The Wicked Witch Of The West*”, clearly setting a task which is deemed a failure from the start.

By requiring that one must PROVE the existence of research that does not exist, the AVMA has thereby created a reverse onus.

This seems more an act of backroom political manipulations, one designed to squash any legitimate criticism, rather than a sincere effort coming from an organization founded for the purpose of advancing science and ethics in the practice of veterinary medicine.

The AVMA Sets Double Standard For Dissenting Groups

The American Rottweiler Club is submitting this letter to the Animal Welfare Committee in an earnest and sincere effort to appeal this revision of policy.

However, we have found that the parameters set by the AVMA for submissions of opposition to be quite disingenuous.

This is due to the fact that the AVMA has set a higher and different standard of measure against which the Animal Welfare Committee would judge the merits of a possible review of those in dissent, while at the same time lowering or eliminating the application of those same standards when applied to itself.

Again, we are specifically referring to the requirement that those in opposition “supply data-based evidence”, when none exists.

Therefore, the AVMA has knowingly set a task which cannot be accomplished by any organization which disagrees with or challenges the AVMA policy – because such research does not exist, for or against.

Transparency & Composition Of AVMA's Animal Welfare Committee & Subcommittees

In making this policy revision, we naturally asked the questions, “How was this decision made?” and “Who at the AVMA made this decision?” and “Whose interest does this decision serve?”

The answers to Who, How and Why, we're told by the AVMA in the context of the *AVMA Guidelines For Response*, is that recommended revisions to policy are made:

1. **After completion of literature reviews by the Animal Welfare Committee (or subcommittee)**
2. **Followed by deliberations by an assigned subcommittee of the Animal Welfare Committee**
3. **Followed by deliberations by the full Animal Welfare Committee**
4. **Followed by submissions of the subcommittee to the Executive Board**

In addition to the professional community, the AVMA serves the public interest - and in doing so, has an ethical obligation to ensure that its organizational structure is fully transparent.

Such transparency is necessary to ensure that policies and position statements are made in the interest of the science of animal welfare, and not in the interest of special groups. As to Why and How the committee came to decide upon the revised cropping and docking policy:

“As part of the review of the 1999 policy, which began more than 18 months ago, the committee and the Animal Welfare Division searched the scientific literature for evidence showing cosmetic ear crops of dogs have therapeutic effects. That search revealed that justifications for the procedures lacked substantial scientific support, with the exception of some suggestive, but inconclusive, data related to German Shorthaired Pointers before and after a docking ban in Sweden, Dr. Golab said.”

We therefore ask the AVMA the following questions:

- **Who sits on the AVMA Animal Welfare Committee?**
- **Who sits on the AVMA Animal Welfare Subcommittee?**
- **How many members sit on each committee?**
- **What is the composition of the committees – how many veterinarians versus the number of allied professionals or laypeople**
- **What are the organizational affiliations of the committee members?**

Transparency & Composition Of AVMA's Animal Welfare Committee & Subcommittees – cont'd.

In the interest of transparency, we respectfully ask the AVMA to release for the record, the names of the members of both the AVMA Animal Welfare Committee and the “assigned subcommittee” who served to recommend the policy change on ear cropping and tail docking.

In terms of the history of this committee, on January 15, 2005, *JAVMA News* reported that then president, Dr. Bonnie Beaver instituted the creation of the Animal Welfare Division, Animal Welfare Advisory Committee, “**intended to be a ‘visionary group’** that would advise the Executive Board about future welfare issues”.

Consisting of **five voting members** appointed by the Executive Board, **at least three members must be veterinarians**, which infers that there are members who are not veterinarians, assembled to “judge proposed animal welfare position statements and resolutions”, “recommend positions or actions”, and “**work with the animal welfare committees of allied organizations**”.

We also respectfully ask the AVMA to make full disclosure regarding this committee.

AVMA Defines ALL Docking & Cropping As “Cosmetic”

The revised AVMA policy – *by default* – now defines all cropping and docking procedures to be “cosmetic” – a position which has no basis in science.

“The AVMA opposes ear cropping and tail docking of dogs when done solely for cosmetic purposes. The AVMA encourages the elimination of ear cropping and tail docking from breed standards”.

AVMA Policy: Ear Cropping and Tail Docking of Dogs
(Oversight: AWC; HOD 07/1999, EB revised 11/2008)

This simple-sounding statement may sound innocuous on the surface. It is nothing of the sort. It holds a deep well of consequences for animals, animal owners, and the veterinary profession, both intended and unintended.

AVMA Position Lacks Scientific Support

We respectfully point out to the AVMA that there is a lack of scientific support regarding the procedures – both for and against ear cropping & tail docking” – period.

Defending the revised policy, the AVMA stated,

"The basis of the policy's most recent revision wasn't just someone's unsubstantiated opinion," Dr. Golab said. "The results of the committee's scientific review provide good justification for the policy. Any policy that comes out of the AVMA will be a combination of professional opinion, practical experience, and what we know about the science. In this case, the science appears to lend clear support to the policy."

***Ear crop, tail dock policy not a radical departure, AVMA says
Science doesn't show therapeutic benefits of cosmetic procedures
- AVMA News, March 15, 2009***

We respectfully but adamantly disagree with Dr. Golab's statement above. Having conducted a thorough review:

- 1. We find that the basis for the AVMA revised position IS unsubstantiated opinion – albeit a published unsubstantiated opinion.**
- 2. We find the results of the committee's "scientific review" do not provide justification for the change in policy due to the fact that there is no data-based science to support the AVMA position – only opinion, and primarily the opinion of anti-docking, animal rights activists.**
- 3. We find that the basis for formulating AVMA policy as stated above – "professional opinion, practical experience and what we know about science", to be extremely vague and lacking the basic foundation of true, empirical data-driven science.**
- 4. We find that science does NOT support this AVMA policy.**

AVMA Position Lacks Scientific Support – cont'd.

By its own admission, the AVMA recognizes the lack of any scientific studies with regard to cropping and docking, stating "*the practice has been the subject of very few controlled studies comparing otherwise equivalent dogs whose tails are docked or undocked*".

***AVMA Backgrounder: Welfare Implications Of Dogs: Tail Docking
(October 13,/2008)***

WELFARE CONCERNS—RISKS

The welfare issues surrounding tail docking have been extensively reviewed,^{1,2,3,4} but the practice has been the subject of very few controlled studies comparing otherwise equivalent dogs whose tails are docked or undocked.

http://www.avma.org/issues/animal_welfare/dogs_tail_docking_bgnd.asp

In fact, NONE of the AVMA referenced citations listed as sources in the *AVMA Backgrounder: Welfare Implications Of Dogs: Tail Docking* refer to any controlled studies whatsoever.

The truth is that no research has ever been conducted in this area to **prove or disprove** the "therapeutic" value of ear crops or tail docks, and any inference by the AVMA that such procedures are harmful or cruel are false and misleading.

We respectfully request that if the AVMA has knowledge of any controlled studies comparing the differences between docked and undocked dogs, that the AVMA make full disclosure of this critical information.

"There have been no scientific studies or double blind trials conducted to compare the effects of tail docking in one sample of dogs with a similar sample of undocked dogs. Similarly, there have been no studies to measure the initial pain and the ongoing pathological pain inflicted on docked dogs".

Robert Wansborough, Australian Veterinarian & Anti-Docking

Activist

AVMA Welfare Implications of Dogs: Tail Docking Oct. 13, 2008 - Citation # 3

Furthermore, there is no compelling evidence anywhere in the world, nor in any repository of veterinary literature, which proves that docked dogs suffer from pain, impaired ability to communicate with humans or other dogs, or that they suffer behavioral or emotional issues, or a loss of balance.

We therefore submit that there exists no data-based, empirical evidence "proving" that ear crops or tail docks cause pain, increase risk of infection, prevent or inhibit communication or locomotion, or are in any other way, detrimental to dogs.

AVMA Position Aligns With Animal Rights Groups

While the AVMA claims not to support one side or the other in issues, we have noted that this particular AVMA revision in policy signals a troubling change within the organization.

The March 15, 2009 edition of the *JAVMA News* contained an article which was clearly intended to defend its newly revised position from critics, especially those making the obvious connection between the AVMA and the radical Animal Rights agenda of anti-cropping and anti-docking.

The *JAVMA News* article entitled, "***Ear crop, tail dock policy not a radical departure, AVMA says***" (<http://www.avma.org/onlnews/javma/mar09/090315c.asp>) also contains the sub-headline, "*Science doesn't show the **therapeutic benefits of cosmetic procedures***".

It opens with a mention that the Humane Society of the United States, an animal rights lobbying group, commending the AVMA for its stance and outlines the history of the policy, and how the Animal Welfare Committee came to review the position.

Perhaps to justify its new position, the AVMA prominently featured a quote from a letter to the *JAVMA* editor by Dr. Barbara Hodges on behalf of the Humane Society VMA,

"It is a strong statement in opposition to these procedures when performed for nontherapeutic purposes," wrote Dr. Barbara Hodges.

Notably absent from this *JAVMA News* article was an opposing point of view, along with balance. Such balance is an ethical necessity in journalism – whether published in a professional journal such as *JAVMA* or in public-facing media such as the *New York Times*.

The exclusion of other points of view, make clear the direction in which the AVMA seems headed. Along with the AVMA, other **groups that oppose ear cropping and tail docking include:**

- **People for the Ethical Treatment of Animals**
- **Humane Society of the United States**
- **Association of Veterinarians for Animal Rights**
- **In Defense of Animals**

In 2008, the Association of Veterinarians for Animal Rights "combined" - or merged with the Humane Society of the United States to form the Humane Society VMA.

Humane Society of the United States = Association of Veterinarians or Animal Rights.

New name, same agenda. According to past *JAVMA News* articles, the Humane Society VMA (Association of Veterinarians for Animal Rights) now submits resolutions to the AVMA for consideration on a regular basis.

ARC Rejects Tail Docking Myths Unsupported By Science

As the AVMA's own citations will show, no "data-based evidence" exists regarding tail docking.

The American Rottweiler Club rejects the hyper-inflated claims of extremist groups seeking to advance a legislative agenda of anti-cropping/anti-docking measures.

Unfounded claims by these groups include animal cruelty, extreme pain, risk of infection, impairment of locomotion, impairment of communication, and so on.

There is a complete lack of any proof period, and none of these "conditions" have been the experience of breeders, or the veterinarians who have cared for the millions of cropped and docked dogs over the course of the last century.

Comparison Of Tail Docking To Other “Non-Therapeutic” Procedures

If there was a procedure to be singled out for comparison on the issues of pain, risk of infection, length of recovery – and a lack of therapeutic effect – it would be spay/neuter surgeries.

The veterinary literature is overwhelmingly conclusive in finding that spay and neuter is not therapeutic in nature, but rather is detrimental to the health and welfare of the dogs, causing some cancers, hormonal interruptions, aggressive behavior and other maladies attributed to the spaying or neutering of dogs.

Furthermore, most spay/neuter surgeries are “for the benefit of humans” and the positive effects are outweighed by the impressive list of negative side effects.

JAVMA News: EXECUTIVE BOARD COVERAGE (May 15, 2009)

AVMA: Mandatory Spay/Neuter A Bad Idea

“Prevention of unexpected litters; reduced incidences of some cancers and reproductive diseases; and prevention and amelioration of certain undesirable behaviors have been documented as benefits to spaying/neutering dogs and cats. However, potential health problems associated with spaying and neutering have also been identified, including an increased risk of prostatic cancer in males; increased risks of bone cancer and hip dysplasia in large-breed dogs associated with sterilization before maturity; and increased incidences of obesity, diabetes, urinary tract infections, urinary incontinence, and hypothyroidism”.

<http://www.avma.org/onlnews/javma/may09/090515j.asp>

Science has indeed shown that animals undergoing such procedures suffer pain, are at increased risk of infection, experience extended recovery times and also suffer a host of ill-effects.

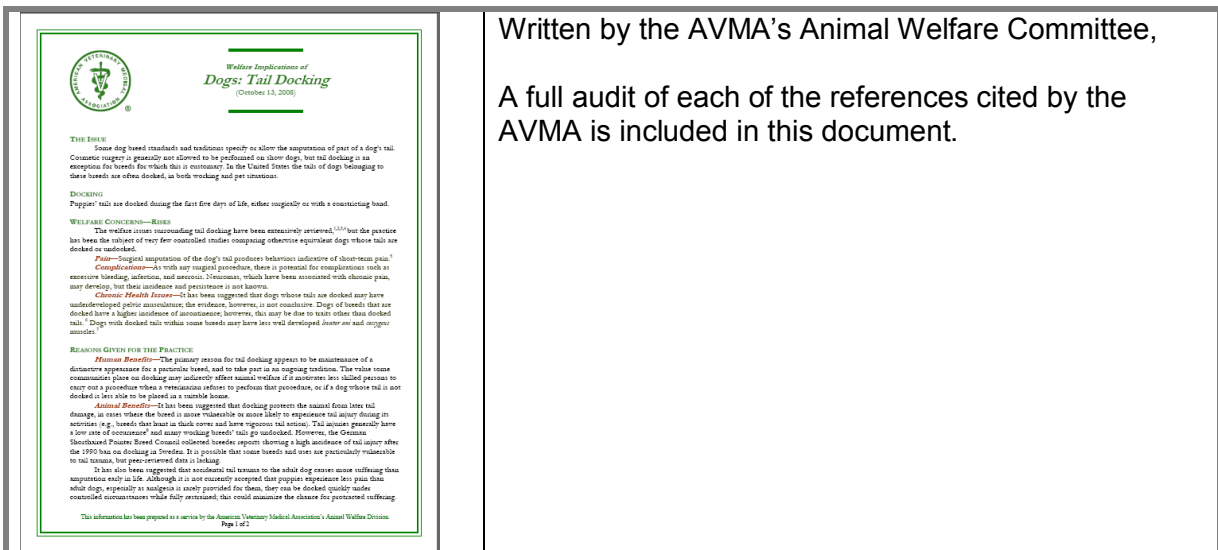
Will then the AVMA revise its existing policy, to recommend the elimination of spay/neuter surgeries as procedures done purely for the benefit of humans, with little or no therapeutic value?

AVMA Materials Are Misleading

The AVMA has published several papers on its website regarding cropping and docking which contain false and misleading information. The American Rottweiler Club, having researched each and every citation presented by the AVMA, concludes that the information the AVMA presents is misleading, at best.

While a full list of the citations is found in the addendum, we call your attention to the alarming number of misleading citations contained just in one document alone.

AVMA Welfare Implications of Dogs: Tail Docking (Oct. 2008)



In the paragraph below is an excerpt of the *AVMA Welfare Implications of Dogs: Tail Docking (Oct. 2008)*, in which the AVMA deliberately infers that tail docking is considered unacceptable by most veterinarians and the public:

LEGISLATION AND ACCEPTABILITY
*Across a range of countries routine docking is considered **unacceptable by most veterinarians (83 to 92%^{9,10}) and the general public (68 to 88%¹¹)**. In contrast, many breeders with a prior commitment to this practice¹² remain in favor of tail docking (84 to 87%¹³).*

AVMA Materials Are Misleading – cont’d.

After reading the paragraph above, most readers would conclude that both the veterinary community AND the public – including those here in the UNITED STATES – view routine docking as “unacceptable” by large margins – 83 to 92% for veterinarians and 68 to 88% for the public.

The above section of this AVMA publication is misleading.

The AVMA presents this information A) as if this was true in the United States and B) as if the AVMA had firsthand experience of this study by presenting this information in the context of being written by the AVMA itself – seemingly to represent those views to include those held in United States.

But most readers would be shocked to learn that the percentages quoted by the AVMA in the paragraph above have *NOTHING* to do with any survey of the views of the veterinary community here in the United States, nor does it represent the views of the public here in the United States.

Instead, this paragraph deceptively refers to two highly disputed surveys in Australia and the UK.

The AVMA writes that “routine docking is considered unacceptable by most veterinarians (83 to 92%^{9,10}) and the general public (68 to 88%¹¹).

Other misleading citations in this AVMA document refer to:

- **Citation #9** refers to a 1996 article in the *Australian Veterinary Journal* by three activist veterinarians, seeking to support the enactment of anti-docking legislation. The article was entitled, “*Tail docking in dogs: a sample of attitudes of veterinarians and dog breeders in Queensland.*”
- **Citation #10** refers to a 1992 survey of a small sample **British** veterinarians – just 25% of small animal veterinarians - a survey which was highly contested by the UK’s Council of Docked Breeds for being driven by animal rights extremists at the RSPCA <http://www.cdb.org/vets/bsava.htm> According to the UK Council of Docked Breeds, this sample was too narrow to accurately represent the views of the majority of veterinarians in the UK.
- **Citation #11** refers to another poll (highly contested by the NZ Council of Docked Breeds) conducted by the vegan/animal rights activists at the **New Zealand SPCA NZ SPCA** ([Expose Animal Cruelty – Open Your Fridge](#)) which allegedly showed public support for a ban on tail docking in the 2005 document, “Submission to Government Administration Committee”, another effort in to push through a tail docking ban in that country http://rnzspca.org.nz/images/stories/submissions/submission-taildocking_bill.pdf The sample size of the NZ SPCA survey is not mentioned, nor are any other survey details, (age, how/when/where conducted, survey demographics, etc.)

AVMA Materials Are Misleading – cont'd.

The AVMA then writes, “*In contrast, many breeders with a prior commitment to this practice¹² remain in favor of tail docking (84 to 87%¹³)*”, which refers to:

- **Citation #12** refers to a 2003 article by **Australian** anti-docking supporters Bennett and Perini in the ***Australian Veterinary Journal*** entitled, “*Tail docking in dogs: can attitude change be achieved?*” Neither Patricia Bennett or E. Perini are veterinarians, but psychologists.
- **Citation #13** refers to a survey by **UK** Council of Docked Breeds that is no longer available on the web.

This AVMA publication, *Welfare Implications of Dogs: Tail Docking* (Oct. 2008), was written and “*prepared as a service by the American Veterinary Medical Association’s Animal Welfare Division*”.

AVMA Position Is Foundation For Anti-Cropping & Anti-Docking Legislation

The AVMA revision of policy has now set in motion a tremendous surge of anti-cropping, anti-docking legislation, driven largely by the HSUS lobbying machine.

These HSUS backed-bills have been quickly introduced into several state legislatures, including the AVMA's home state of Illinois. Samples of anti-cropping/anti-docking legislation proposed include:

ILLINOIS

Illinois bill introduced to State Legislation making cropping & docking a crime, defining it as not just animal abuse, but **torture**.

NEW YORK

New York state bill making it a **crime to show any dog that has been docked**, thereby greatly reducing, if not eliminating, the hundreds of dog shows held annually throughout New York State.

CALIFORNIA

California state bill making it a crime to dock cattle, a strategy which will no doubt seek to expand language to include other species – such as dogs – and thereby accomplishing the anti-docking objective of animal rights extremist through the backdoor.

PENNSYLVANIA

Pennsylvania state bill codifying the criminalization of **possession of a cropped or docked dog as prima facie evidence of a crime** unless in possession of a "certificate". Debarking, declawing and surgical births are also included.

AVMA Invites Government Interference In Practice Of Veterinary Medicine

In revising its position on ear cropping and tail docking, the AVMA has also set the stage for government interference in the private practice of veterinary medicine.

The resulting spate of legislation based on AVMA policy which in turn criminalizes the procedures, will no doubt have a chilling effect on the performance of ear cropping and tail docking– which seems the intent of the AVMA policy.

But the direct result of this will also be that veterinarians will find themselves constrained in their practice by what any state legislature deems to be a practice that constitutes “abuse, torture or animal cruelty”.

If such government interference is allowed to take hold, which veterinary procedures will next be outlawed, banned or restricted based on political correctness or the opinions of a small but vocal group of animal activists?

Will the practice of veterinary medicine then be subject to the whims of uninformed local or state legislators, all based on questionable AVMA policy?

Such policy is folly, and can only lead to great harm to animals, pet owners and to the veterinarians themselves.

AVMA Position - Criminalizing Veterinary Medicine & Practitioners

In revising its position on cropping and docking, the AVMA surely has considered the impact that the resulting anti-cropping & docking legislation will have upon the larger, mainstream, professional veterinary community.

As has been the case in the UK, and other countries where anti-docking measures have passed, anti-docking proponents have injected severe penalties into legislation which severely punish the veterinary professionals who perform these procedures.

Professional veterinary associations abroad have even charged veterinarians with professional misconduct, imposing fines, loss of licensure and pressing for criminal prosecutions.

In light of these realities, the American Rottweiler Club is seeking a direct answer from the AVMA on behalf of its members and the veterinarians that care for our breed:

QUESTION A: Does the AVMA support the criminalization of these lawful veterinary procedures, and does the AVMA support the soon-to-follow criminalization of the professional community they represent?

QUESTION B: Does the AVMA support sanctioning veterinarians with crimes of professional misconduct, including fines and loss of licenses for performing such procedures?

QUESTION C: Does the AVMA support the criminal prosecution of veterinarians who perform cropping & docking procedures, including the penalties of fines and jail time?

AVMA Position - Interferes With Private Relationships With Veterinary Healthcare Providers

As responsible and caring dog owners, we depend on our veterinarians to work with us to make wise decisions concerning health of our dogs.

However, the revised AVMA policy – regardless of the status of any legislation – will now significantly interfere with the private and protected relationship between an animal owner and his or her veterinary healthcare provider.

As noted by the Utah VMA, it is not for the AVMA to decide which surgeries pet owners want or do not want for their pets – as these are decisions that are best made privately by pet owners and their veterinarians.

AVMA Position - Criminalizes Dog Ownership

As evidenced by the surge in anti-cropping/anti-docking bills before numerous state legislatures, the AVMA position change on ear cropping and tail docking has already had the impact of swiftly criminalizing the ownership of cropped or docked dogs.

These laws create an entire criminal class out of law-abiding pet owners who are your clients, as consumers of veterinary medical services.

We have detailed the legal impact of revised AVMA policy on dog owners below.

AVMA Position - Eliminating Presumption Of Innocence

Legislation based on revised AVMA policy **eliminates the presumption of innocence** making all dog owners of “cropped or docked dogs” **automatically guilty – possession of a cropped or docked dog is prima facie evidence of a violation of law.**

Under the rules of our judiciary, it is unimaginable to think that a state government would create a reverse onus – thus shifting the burden of proof from the state to the accused – but to do so based on a lack of data-driven scientific evidence is unthinkable.

We respectfully remind the Committee Members that our judicial system operates upon the presumption that all citizens in the United States **are innocent until proven guilty**, not the reverse.

AVMA Position - Proxy For Warrantless Search & Seizure

It should be noted that legislation based on revised AVMA policy contains the **proxy for warrantless searches** and seizures, which **seriously compromises the constitutional protections** to which all citizens are entitled - under the guise of animal protection.

Civil liberties groups and criminal defense attorneys should be alerted to the fact that such legislation is a **smokescreen** to lower the threshold of evidence needed to support the issuance of search warrants.

VMA Position - Lowers Thresholds of Evidence For Probable Cause

Furthermore, the issuance of any warrants, arrests or other violations of law would be based on a visual ID that the alleged dogs have cropped ears or docked tails.

Would it then not be a case of “probable cause” for law enforcement personnel to demand that pet owners produce a “certificate” that shows said dog’s minor surgical procedure – crop/dock – was performed by a “licensed, trained veterinarian? These are already being proposed in some states, Pennsylvania being but one example.

- A) **the evidentiary basis for “probable cause”** is the visual ID of a Rottweiler or Welsh Corgi with a docked tail
- B) this “**probable cause**” is **nothing more than proxy** for warrantless searches by local animal control or police
- C) **such proxies** would be the basis for **bypassing Due Process**:

SENARIO A: Warrantless Search of Premises

The mere possession of cropped or docked dogs would now constitute a criminal act, thus allowing law enforcement officers **access to a premises without a warrant**.

EXAMPLE: A police officer drives by a home and sees dogs with cropped ears staked in the yard. The officer identifies the dogs as “cropped”, the presence of which is “illegal”. The dog owner is presumed guilty of a criminal act. The police officer now may access the premises and **bypasses the need for a search warrant**.

SCENARIO B: Warrantless Searches – Traffic Stops

Driving with a cropped or docked dog - or “showdogs” - in a car constitutes a criminal act unless said owner can produce a “certificate” of legal cropping or docking

EXAMPLE: A police officer on highway patrol or traffic duty sees a car with a dog inside. The officer has no probable cause for a traffic stop (speeding, seat belt or other violations).The officer (subjectively) identifies the dogs as a “docked dogs”, the presence of which is “illegal”.

The dog owner is presumed guilty of a criminal act. The police officer now has “cause” for a traffic stop.

AVMA Position: Basis For Violations Of Equal Protection

Legislation based on the AVMA revised policy also sets the stage for violations of Equal Protection.

Owners of “targeted breeds – i.e. cropped or docked breeds, such as the Rottweiler or American Pit Bull Terrier - will be subject to a different and higher legal standard than other dog-owning citizens, which is then subjectively and/or arbitrarily applied.

The Equal Protection clause of the Fourteenth Amendment protects against arbitrary government action by requiring similar treatment of those who are similarly situated.

Such legislation clearly violates Equal Protection by singling out owners of multiple “cropped or docked breeds”, and granting exemptions to those “similarly situated.”

As in the case of breed specific legislation, anti-docking proponents have not proven, nor cannot prove, a rational or legal basis upon which to base these provisions, given the fact that no data-based, scientific evidence exists to support such laws.

This scenario also begs the question,

“Are owners of dogs with natural ears or tails entitled to any greater Constitutional protections than owners of cropped or docked dogs”?

It is the position of the American Rottweiler Club that *all* dog owners are entitled to Equal Protection under the law.

AVMA Position: Fosters Selective Enforcement

However, there is an even greater risk in legislation based on AVMA policy as it relates to Unequal Protection.

There is a pervasive myth, perpetuated throughout the media, that the majority of Rottweiler owners or even owners of “pit bull type dogs” are “gang members, criminals, and drug dealers”.

This notion is completely unsubstantiated and without merit. However, this viewpoint is interpreted by most to mean that Rottweilers or “pit bull dogs” are owned by those in certain segments of society.

It then becomes a question of which dog owners will be **selectively targeted for enforcement** and prosecution by local authorities, and to what extent will law enforcement engage in “profiling”.

Clearly, legislation based on AVMA revised policy leaves the door open to abuse of powers by local law enforcement officials and creates a number of questions.

For instance:

- **Will minority or poor dog owners be targeted for enforcement over non-minority or middle class dog owners?**

- **Will owners of hunting dogs or American Pit Bull Terriers be targeted for enforcement?**

- **Will anti-cropping/anti-docking legislation be used to dispense with evidence thresholds necessary to establish probable cause as in the case of breed-specific legislation, and thereby create a proxy to bypass Due Process?**

AVMA – Is Global Harmonization Harmful To “Good” Science?

It's clear that on a global basis, the anti-cropping/anti-docking movement led by extremist groups has been successful in the banning and criminalization of these procedures

And insofar as AVMA positions and publications are concerned, the AVMA has relied heavily on these anti-cropping/anti-docking sources abroad as the basis upon which to predicate the change in position.

The addition of Dr. Emily Patterson-Kane in 2007 to the AVMA's Animal Welfare Division seems to have directly influenced the content of the papers published by the AVMA on the subject of cropping and tail docking.

Hired in 2007, Dr. Patterson-Kane, a New Zealand native, holds a PhD in animal psychology from Victoria University in Wellington. Her research interests include human judgments of animal welfare. Dr. Patterson-Kane sees her mission as one that brings change to the AVMA.

“I guess I understand that I have my position on animal welfare issues, and the AVMA has theirs. I came on board to be part of a shift within the AVMA that reflects and promotes a shift in the veterinary profession ...”

**- Dr. Emily Patterson-Kane,
Dolittler: An interview with AVMA animal welfare insider Emily Patterson-Kane, PhD**

Dr. Patterson-Kane works as a member of the three-person team on AVMA's Animal Welfare Division, directed by Dr Gail Golab, the very same division which is directly responsible for the preparation of the AVMA's publications, *Welfare Implications of Dogs: Tail Docking*, and *AVMA FAQ's: Tail Docking*, which contain arguably misleading information and citations.

Of note – there is not a single U.S. based study or paper amongst the AVMA citations, most of which rely heavily upon those by animal rights activists veterinarians in the UK, Australia and New Zealand.

We also note that Dr. W. Ron DeHaven, CEO, and Dr. Gail Golab, Animal Welfare Division, were among “*more than 400 veterinarians, government officials, humane group representatives, and industry representatives who met to discuss animal welfare standards*” at the second global animal welfare conference of the World Organization for Animal Health (OIE) held in Cairo, Egypt, as reported in the December 15, 2008 *JAVMA News*.

Is the AVMA sacrificing sound science in the drive for global harmonization?

The drive for the globalization of animal welfare is evident. The American Rottweiler Club fully supports initiatives to improve animal welfare, but rejects the importation of animal rights philosophy under the guise of animal welfare.

AVMA HOD Resolution 4 – Same Intent, Different Language

Recognizing the inherent flaws of the current AVMA cropping and docking policy, the Utah Veterinary Medical Association offered the following formal resolution to re-revise the language of the AVMA position of Ear Cropping and Tail Docking, as reported in the June 15, 2009 edition of *JAVMA News*:

Revise Policy on Ear Cropping and Tail Docking of Dogs

"RESOLVED, that the American Veterinary Medical Association (AVMA) revise the AVMA policy on Ear Cropping and Tail Docking of Dogs as indicated below (deletions are ~~struckthrough~~ and additions are underlined):"

Ear Cropping and Tail Docking of Dogs

~~The AVMA opposes ear cropping and tail docking of dogs when done solely for cosmetic purposes.~~ Although cosmetic ear cropping and tail docking of dogs has little or no therapeutic basis, it is a procedure that is condoned by the American Kennel Club and by many members of society. It is imperative that the procedures be performed by trained, licensed, and caring veterinarians using current standard of care. The AVMA encourages the elimination of ear cropping and tail docking ~~from~~ in breed standards. Members of the AVMA will conform to all state mandates concerning the procedures.

Resolution 4 gives the HOD a chance to weigh in on the recently revised AVMA policy. In November 2008, the Executive Board amended the policy to state that the AVMA opposes these procedures when done solely for cosmetic purposes. In addition, the amended policy encourages the elimination of ear cropping and tail docking from breed standards.

The Utah VMA proposes amending the policy to, among other things, retract AVMA opposition to the procedures.

The Utah VMA writes in the resolution background that the Executive Board action was made without input from the HOD. The board was within its purview to do so, but the revised policy took a "much more hard line slant" than earlier iterations on the matter, which included warnings about the risks of cosmetic ear crops and tail docks, the Utah VMA wrote.

*Society has mixed feelings about the **procedures, which are minor surgeries, relatively safe, and cause little discomfort to the animals**, the Utah VMA continued. Moreover, public demand for ear crops and tail docks is high, and many AVMA members continue performing the procedures.*

"The issue for the AVMA is not to decide what surgery pet owners want or do not want for their pets, but rather to be sure all surgical procedures performed by licensed veterinarians are with proper protocol and proper postoperative care," the association wrote.

Veterinarians are not compelled to perform the procedures, the Utah VMA added, and the resolution indicates only that these procedures should be performed by licensed professionals who are willing and able to do them.

AVMA HOD Resolution 4 – Same Intent, Different Language – cont’d.

The American Rottweiler Club is in agreement with the Utah VMA on the following points:

- That cropping or docking procedures are minor surgeries, relatively safe, and cause little discomfort to the animals
- Many AVMA members continue performing the procedures
- The issue for the AVMA is not to decide what surgery pet owners want or do not want for their pets
- Veterinarians are not compelled to perform the procedures

However, in actuality **AVMA HOD Resolution 4 is nothing more than doublespeak or “smoke and mirrors”** – a diversion designed to appease critics – it contains nearly identical language and carries the same intent of the AVMA policy - the elimination and criminalization of ear cropping and tail docking.

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|----|-------------|--|
| 1. | UTAH
VMA | <i>“Although cosmetic ear cropping and tail docking of dogs has little or no therapeutic basis”.</i> |
| | ISSUE: | HOD Resolution 4 leaves intact the de facto definition that such procedures are merely “cosmetic” and hold little or no therapeutic value. |
| 2. | UTAH
VMA | <i>“it is a procedure that is condoned by the American Kennel Club and by many members of society”.</i> |
| | ISSUE | HOD Resolution 4 marginalizes the procedures through use of the word “condoned”. |
| 3. | UTAH
VMA | <i>“It is imperative that the procedures be performed by trained, licensed, and caring veterinarians using current standard of care”.</i> |
| | ISSUE | HOD Resolution 4, left open to interpretation by an uninformed public or policymakers – will exclude skilled and knowledgeable laypeople and leave puppies at risk due to lack of understanding. |
| 4. | UTAH
VMA | <i>“The AVMA encourages the elimination of ear cropping and tail docking from in breed standards.”</i> |
| | ISSUE | HOD Resolution 4 STILL supports the AVMA position of the elimination of all ear cropping and tail docking. |
| 5. | UTAH
VMA | <i>“Members of the AVMA will conform to all state mandates concerning the procedures”.</i> |
| | ISSUE | HOD Resolution 4 still provides the basis for and supports the criminalization and prosecution of veterinarians who perform these procedures. |

Legal, Moral & Ethical Considerations For The AVMA

The impact of the AVMA's revised position on ear cropping and tail docking is fraught with issues, and leaves open the real questions about the responsibility the AVMA must bear for the intended or unintended consequences which will result.

There are also numerous legal, moral and ethical considerations which seem to have been ignored.

With all due respect, and considering the absolute fact that no data-driven science exists to support the AVMA's revised position on cropping and docking, we ask the AVMA and the Animal Welfare Committee to answer the following questions:

A. Is it ethical for a science-based organization such as the AVMA to base policy on a lack of data-driven science? What does this bode for the future of the organization, its membership and pet owners?

B. Does the AVMA have a moral obligation to uphold the tenets of science, or will the AVMA bow to popular opinion or politically correct philosophy to drive other policy decisions as well?

C. What are the potential legal ramifications of AVMA policy based on the opinions of animal rights extremists rather than data-driven science?

The Future Of Our Breed

What is the future of the Rottweiler and the future of all cropped or docked breeds?

In revising policy to define ALL crop/dock procedures as “*cosmetic*” and in doing so, clearly using citations that a) lack any empirical research and b) are drawn from sources that support the animal rights agenda, the AVMA has signaled support to see these procedures defined as animal cruelty or even torture – and ownership of cropped or docked dogs defined as a criminal offense.

As one of its primary functions, the American Rottweiler Club is charged with safeguarding the Rottweiler breed and the breed standard, and upholding high standards of animal welfare and care for our dogs.

We cannot allow the future of the Rottweiler, or our breed standard, to be rewritten by the AVMA, in the context of policies clearly lacking empirical support, yet call for the elimination of tail docking in our breed. Nor can we allow special interest organizations to dictate legislation, with the help of the AVMA under the guise of this biased policy.

Should the AVMA continue to follow the lead of animal rights activists calling for anti-cropping/anti-docking legislation in UK, Australia and New Zealand, and the EU, then the very future of our breed - and all cropped or docked breeds - is at stake.

Equally concerning is the AVMA globalization strategy, which seeks to align policy and position with policies in the UK, Australia, New Zealand and the EU.

Following the successful passage of anti-cropping, anti-docking legislation and policy, animal rights campaigners in the UK, Australia, New Zealand, and the EU have now moved on to attacking breeding practices as cruel and inhumane.

We must wonder, then, if supporting such positions is in fact laying the foundation for the future of the AVMA, one in which the purposeful breeding of dogs would be considered cruel and/or inhumane.

If this is to be the case, the future ownership of pets, and indeed all animals, is at stake.

The Future Of The AVMA

In the past, the American Veterinary Medical Association has been an institution which has facilitated the profession of veterinary medicine, and has acted as the repository of thought, research and analysis based in science.

To quote AVMA CEO, Dr. W. Ron DeHaven,

*“Among the most important responsibilities that veterinarians have in development and implementation of animal welfare standards is to **ensure those standards are science-based** and that consideration has been given to interactions among the various components of animal care systems.”*

We couldn't agree more with Dr. DeHaven – animal welfare standards MUST be science-based.

However, we must share our concern that if, by sending science-based standards to the wayside in favor of political correctness, AVMA policies are to be incrementally rewritten to support and advance the animal rights agenda, then the trust and esteem which was well-placed in the AVMA by our organization and others would be seriously undermined.

We feel strongly that the future of the AVMA must include an inalienable duty to ensure that policies and positions are based on a standard of fair and unbiased science.

Anything less undermines the confidence of all stakeholders and constituents in the objectivity of your organization.

Formal Request For Revision Of Tail Docking Policy

The American Rottweiler Club formally requests that the American Veterinary Medical Association immediately revise its current policy on tail docking.

This formal request for revision meets and exceeds the “AVMA Guidelines For Response”, and is accompanied by the full scope of research and analysis of the literature concerning this issue, which clearly shows all such published papers lack the “data-based evidence” that the AVMA “requires” for policy revisions.

Furthermore, having conducted an intensive research study, we find that the AVMA has relied solely on the use of anecdotal opinions of contemporary animal rights extremists as well as the outdated, historical references illegitimately used to convey the inference that the AVMA relied on “science” to support its position – science which does not exist.

The American Rottweiler Club rejects the categorization of tail docking as “cosmetic” surgery, as well as future criminalization of the procedure or the ownership of docked dogs.

We therefore respectfully request that the AVMA reconsider and review its most recent revision to its Tail Docking Policy, based on the information presented herein, including but not limited to:

- **the lack of empirical data to support the position**
- **the use of anecdotal opinion**
- **the sources cited by the AVMA in support of this new revision are overwhelmingly from animal rights campaigners in other countries who have led the anti-crop/dock movement abroad, resulting in the criminalization of the procedures and criminalization of ownership of cropped or docked dogs**

The American Rottweiler Club urges the American Veterinary Medical Association, and the esteemed members of the Animal Welfare Committee, and the Executive Board, to act appropriately and responsibly, using data-driven science to develop or revise positions which so greatly influence the members of the public, the press, and policymakers.