

Breed Specific Legislation

Step one, get a license

Sentell v. New Orleans and Carrollton Railroad Company (1897)

This case, which ended up in the Supreme Court, determined that even though Carrollton Railroad Company killed Mr. Sentell's dog in negligence, they owed him no compensation because he hadn't licensed the dog.

They said, "Although dogs are ordinarily harmless, they preserve some of their hereditary wolfish instincts, which occasionally break forth in the destruction of sheep and other helpless animals. Others, too small to attack these animals, are simply vicious, noisy, and pestilent. As their depredations are often committed at night, it is usually impossible to identify the dog or to fix the liability upon the owner, who, moreover, is likely to be pecuniarily irresponsible [irresponsible with money]. In short, the damages are usually such as are beyond the reach of judicial process, and legislation of a drastic nature is necessary to protect persons and property from destruction and annoyance. Such legislation is clearly within the police power of the state. It ordinarily takes the form of a license tax, and the identification of the dog by a collar and tag, upon which the name of the owner is sometimes required to be engraved, but other remedies are not uncommon."

Much like a driver's license, the reasoning is that you've already paid the state something in case it causes damage. However, it established the precedent that exists today that you can kill someone else's dog, even negligently, and unless that dog has been registered with the state, you can kill it however you want, even inhumanely. And it should not be ignored that it states that all dog owners tend to be bad with money. They also establish that they'd accept the risk if the dog were useful.

Step two, get specific

Vanater v. Village of South Point

“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 American Kennel Club and United Kennel Club have set forth standards for Staffordshire Bull Terriers and American Staffordshire 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.”

“Pit Bulls ... possess the quality of gameness, which is not a totally clear concept, but which can be described as the propensity to catch and maul an attacked victim unrelentingly until death occurs, or as the continuing tenacity and tendency to attack repeatedly for the purpose of killing. It is clear that the unquantifiable, unpredictable aggressiveness and gameness of Pit Bulls make them uniquely dangerous.

Pit Bulls have the following distinctive behavioral characteristics: a) grasping strength, b) climbing and hanging ability, c) weight pulling ability, d) a history of frenzy, which is the trait of unusual relentless ferocity or the extreme concentration on fighting and attacking, e) a history of catching, fighting, and killing instinct, f) the ability to be extremely destructive and aggressive, g) highly tolerant of pain, h) great biting strength, i) undying tenacity and courage and they are highly unpredictable.

While these traits, tendencies or abilities are not unique to Pit Bulls exclusively, Pit Bulls will have these instincts and phenotypical characteristics; most significantly, such characteristics can be latent and may appear without warning or provocation.

The breeding history of Pit Bulls makes it impossible to rule out a violent propensity for any one dog as gameness and aggressiveness can be hidden for years. Given the Pit Bull's genetical physical strengths and abilities, a Pit Bull always poses the possibility of danger; given the Pit Bull's breeding history as a fighting dog and the latency of its aggressiveness and gameness, the Pit Bull poses a danger distinct from other breeds of dogs which do not so uniformly share those traits.

While Pit Bulls are not the only breed of dog which can be dangerous or vicious, it is reasonable to single out the breed to anticipate and avoid the dangerous aggressiveness which may be undetectable in a Pit Bull.”

There's some frightening inferences to racism, if one feels like applying it.

Lunacy

Wikipedia has a list of every single death by dogs ever recorded. When you're able to list every single someone of anything, that probably means there's not very many. Deaths due to dog attacks increase at the same rate as the population. In the year 2000, the CDC estimated 8 deaths due to pit bulls worldwide. Here's a list of 10 more things that were more likely to kill you:

Falling Coconuts - 150 deaths per year

High School and College Football - 12 deaths per year

Horses - 120 deaths per year in the US

Tap Water - 100 per year in the US

Icicles - 15 per year in the US

Falling out of Bed - 450 per year in the US

Autoerotic Asphyxiation - 600 per year

Falling Vending Machines - 13 per year

Bathtub Drowning - 300 per year

Falling TVs - 29 per year

While you might try to argue that some of these are within your control, others, like coconuts, kill strangers more than their owners. Should we need a license to plant coconut trees?

Myths

Pit bulls do not have locking jaws.

Pit bulls are not aggressive - According to the American Temperament Test Society, pit bulls have a temperament passing rate of 86.7%. This is lower than dogs such as the beagle, Border collie, and Chihuahua... dachshunds and Chihuahuas exhibit the largest amount of aggression towards humans. This includes both strangers and the dog's owner. Pit bull terriers are more known for aggression towards unknown dogs than humans.

Just like any other breed, pit bulls that bite do so out of lack of training and socialization. This is more of an owner error than a dangerous dog issue. In fact, according to the American Veterinary Medical Association, it is not within a pit bull's inherent characteristics to bite humans.

You have a 1 in 112,400 chance of dying from a dog bite, from any breed. This is the third lowest cause of death risk you face, with only legal execution and being struck by lightning falling below it.

Gameness

A 5-year study conducted by the Children's Hospital of Philadelphia found that 50.9% of the dog bites were from pit bulls.

Gameness... is a determination to master any situation and never back down out of fear. It was developed in pit bulls by many generations of selective breeding. It is what allows a pit bull to keep fighting non-stop for two or more hours, in spite of broken bones, torn muscles, blood loss,

dehydration, and exhaustion. But it is also valued by APBT owners who would never think of fighting their dogs. It is manifested in the can-do attitude of pit bulls toward any type of challenge, whether agility competitions, climbing up trees, or protecting their family against an armed attacker, etc.

Think of knives unserrated knives. They are far more times likely to kill you than serrated knives. Should we require all knives to be serrated or ban unserrated knives?

Does it work?

The U.S. Department of Housing and Urban Development says said that, statistically, Breed Specific Legislation has shown no reduction whatsoever in bites or death due to bites.

The U.S. Department of Justice has stated that discriminating against any breeds is a bad idea because these dogs, due to their gamefulness, save more lives than they take, especially when factoring in police and service work.

The American Bar Association has stated that such legislation is unconstitutional.

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