



**American Rottweiler Club, Inc.
16005 Pine Creek Way
Magnolia, TX 77358**

July 14, 2009

Senator James B. Eldridge
Chair Joint Committee on Municipalities and Regional Government
Room 2130A
State House
Boston, MA 02133

RE: MA SB 763 - OPPOSED

Dear Senator Elbridge and respected members of the Joint Committee on Municipalities and Regional Government Committee:

The American Rottweiler Club, Inc. (ARC), the parent club of the American Kennel Club (AKC) for the Rottweiler breed in the United States, representing thousands of dog owners, is writing to express our grave concern over **Massachusetts SB 763 - A Bill Violates The Privacy**

Since its inception, the American Rottweiler Club has been deeply engaged in advancing animal welfare and the humane care and treatment of dogs and is adamantly opposed to the cruel and inhumane treatment of dogs, the exploitation of innocent animals, and illegal, sub-standard breeding operations.

ARC and it's members are also extremely proactive in protecting the health and safety by devoting significant time, effort and resources in educating the public on responsible dog ownership, dog bite prevention and safety around dogs, especially where children and the elderly are concerned.

We therefore respectfully submit our official and unequivocal opposition to **Massachusetts SB 763** and to any other bill which, without adding to the public health and safety, may violate Due Process, basic privacy rights and put citizens at risk or identity theft.

In addition:

- MA SB 763 is ineffective at warning the public about dangerous dogs**
- MA SB 763 violates basic privacy of citizens without enhancing public safety**
- MA SB 763 puts people at pets at risk for harassment and malicious behaviors such as theft or poisoning.**
- MA SB 763 puts citizens at risk for identity theft**

The Duty To Protect The Public Health & Safety

Protecting the public health and safety – especially that of innocent children and the elderly – is and Massachusetts no doubt shares and which may be the very reason SB 763 may have been intended.

However, we feel it our duty to advise the Esteemed Members of the Committee that denying citizens Due Process and violates a basic right to privacy without adding any additional protections is not in the best interest of the citizens of Massachusetts.

MA SB 763: Ineffective Warnings

This effort will not provide any additional benefits beyond on-site signage, which we feel is the most effective way to warn of potential exposure to a dog with a history of dangerous behaviors.

MA SB 763: Sex Offender Type Registry - Violations of Privacy & Risk of Identity Theft

The violation of basic privacy is at state – again – without adding any greater protections to the health and safety of the public.

The citizens of Massachusetts will have their privacy violated by the amount of information included in an online registry – which also leaves them at great risk for identity theft.

MA SB 763: Facilitates Anonymous and Malicious Behavior

The establishment of this registry with anonymous access to the online will lead to harassment and malicious behaviors such as theft or poisoning.

These malicious and/or spiteful behaviors may be the result of disputes between neighbors or other retaliatory efforts, which places people and pets at great risk for physical or emotional harm.

Civil Rights & Constitutional Issues

MA SB 763 presents a multitude of civil rights issues and constitutional challenges, including but not limited to unequal protection, violation of due process, removal of the presumption of innocence, selective enforcement, and loss of personal rights.

MA SB 763 also sets the stage for unequal protection in that owners of subjectively targeted breeds or mixed breed dogs may be arbitrarily and subjectively held to a different and higher legal standard than other dog-owning citizens, for which the State of Massachusetts has not proven nor cannot prove a rational or legal basis.

Expensive Legal Challenges

MA SB 763, with its many issues and potential infringements of civil rights and constitutional protections, would place the State Of Massachusetts, and the counties and municipalities in the state in a position of defending against what could be a multitude of lawsuits brought on behalf of dog-owning citizens.

The American Rottweiler Club respectfully points out that MA SB 763 is fraught with issues not only with regard to spiraling budgets, but issues that make MA SB 763 a potential minefield of expense, legal issues, unintended consequences and a waste of valuable taxpayer dollars.

Closing Thoughts

In closing, the American Rottweiler Club rejects the criminalization of responsible dog ownership, the flawed concept of outlawing or eliminating through heavy-handed regulation the lawful breeding, ownership, and custody of dogs – or ANY animals.

We formally oppose the erosion by proxy laws of the civil rights and liberties guaranteed to all citizens of the United States under the guise of animal protection.

The American Rottweiler Club, having conducted a thorough analysis of this bill, concludes that Massachusetts SB 763 would:

- **Place citizens at risk for identity theft**
- **Risk the health and safety of people and pets by fostering anonymous harassment and malicious behaviors such as theft or poisoning.**

MA SB 763: In Summary

The American Rottweiler Club urges the State of Massachusetts and the Esteemed Members Committee to act appropriately and responsibly by voting NO on Massachusetts SB 763.

We urge the Committee Members to reject MA SB 763 in its entirety, and not allow this dangerous and misguided piece of legislation, no matter how well-intentioned, to bring about the destruction of innocent dogs, eliminate the responsible and ethical ownership of dogs, discriminate against owners of intact dogs, and deprive people of their civil rights.

We thank you for your attention to this very important matter and remain committed to providing the State of Massachusetts with expert advice in matters of animal husbandry and the humane care and treatment of dogs. We would be honored to be called upon to serve.

Very truly yours,



Jeff Shaver
President
American Rottweiler Club, Inc.
713-557-0807
jshaver522@yahoo.com
web site) www.AmRottClub.org

cc: American Rottweiler Club Board, Peter Piusz, Delegate