

Breeder Advocacy, Legislation and ASC Position Statements

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INTRODUCTION

Since its establishment in 1881 the American Spaniel Club (ASC) has committed its resources to the responsible breeding, care, health and training of all Spaniels and, as the Parent Club of the Cocker Spaniel, the Cocker Spaniel in particular.

We embrace and strongly support the interaction and mutual enjoyment of owners and dogs in sporting activities such as hunting and field trials and in competition events such as dog shows, obedience trials, agility trials, and other performance events and tests. The ASC believes that dogs should be properly cared for, humanely trained, and not pushed beyond reasonable limits for which they were bred.

While these responsibilities have always included the areas of breeder advocacy, pro-breeder legislation, and animal welfare, now more than ever these areas are of utmost importance for the very preservation of ASC, Cocker Spaniels, purebred dogs, and purebred-dog activities. Advocacy works best when those who are directly affected take the lead. Accordingly, ASC is taking this initial step in taking the lead to present these Positions Statements, which directly affect ASC and its members.

BREEDER ADVOCACY

The ASC encourages responsible breeding techniques in the furtherance of breeds we support and fostering knowledgeable breeding to the betterment of our breeds. Toward this end we offer the following suggestions:

Responsibilities of the Breeder/Seller*

***credit to the American Shetland Sheepdog Association**

These recommendations are meant to be guidelines for what the American Spaniel Club (ASC) considers ethical dog-related practices in the areas of breeding, exhibiting and placement of spaniel breeds.

1. The overall goal of the responsible breeder should be to breed to the standard and improve the breed through producing attractive, healthy puppies with good temperaments whether for pet or show.
2. Breeders should have a basic knowledge of genetics, the breed, dog breeding in general and an understanding of the breed standard with

- respect to the general faults and virtues of their specific lines. They should also be aware of potential health issues associated with the breed and secure appropriate health testing to ensure producing the healthiest puppies possible. This is to encourage improvement of the breed by using top quality stock, along with the appropriate research and breed knowledge.
3. A breeder should exercise caution and be discriminating in the placement of their stock. A breeder should not sell to, or aid in the selling, of a spaniel to any person who the breeder has reason to believe will not provide proper care and environment, or who may use the dog in any fashion which is detrimental to the dog itself, or to the breed as a whole.
 4. It is recommended that breeders not sell puppies under the age of eight (8) weeks at a minimum and/or without proper documentation of immunization and health protection for the age of the puppy.
 5. Breeders should be honest and forthright in answering questions related to the breed and potential health issues for their stock.
 6. Breeders should recommend appropriate future immunization and worming schedules, as well as methods to deal with potential health and/or behavioral issues.
 7. The ASC encourages all breeders to assume responsibility for the puppies sold and be available to the purchaser for questions and advice after the point of sale.
 8. Breeders must maintain the best possible health, safety, cleanliness and veterinary care for their animals as well as proper nutrition and socialization, and should pass these recommended measures along to the new owners.
 9. It is recommended that all agreements be in writing and be clearly understood by all parties.
 10. Breeding arrangements should never be established which would encourage the puppy buyer to undertake a breeding program if the buyer does not have the time, facilities or necessary commitment to have a litter. No dog should be provided to any person just to produce puppies for financial gain.
 11. Responsible breeders should require spaying/neutering of all non-breeding animals and follow-up should be completed to ensure this has been done.
 12. Spaniel owners should encourage public education, always represent the breed honestly to prospective buyers and assist people in making informed canine-related decisions.
 13. Breeders should make themselves available to the purchaser after the sale to assist with education, counseling, grooming and/or other animal care questions, including any behavioral problems.
 14. ASC members should be an example of leadership and outreach to encourage proper ethical behavior.

Breeding Concepts

1. Spaniels used for breeding should conform as closely as possible to the breed standard.
2. Breeding animals should be tested and clear of discoverable genetic defects prior to breeding.
3. The following is a partial list of possible screening recommendations: Pre-breeding testing should include Eyes, Hips, Thyroid, PRA. Males should be intact; i.e. monorchids and/or cryptorchids should not be used. Animals with questionable temperaments should not be used for breeding.
4. Motivation for breeding should be the creation and improvement of the breed, rather than for any financial gain.

ANIMAL WELFARE VS. ANIMAL RIGHTS

ASC members should understand that there is a distinction between the terms “Animal Welfare” and “Animal Rights”. It is the intent of the ASC to acknowledge the human-animal bond and to support the humane and responsible care and treatment of animals in the environment in which they are kept, raised and responsibly maintained. The following definitions are adopted from the National Animal Interest Alliance (NAIA) groups website:

Animal Welfare is a philosophy that:

- Promotes stewardship of species and individual animals.
- Embraces a human connection to our environment and animals that recognizes humans as part of nature.
- Requires humane treatment and responsible use of animals on farms, ranches, rodeos, homes, kennels, catteries, laboratories, and wherever else animals are maintained.
- Endorses a scientific approach to commercial use and management of wild animal populations.
- Rejoices in the bond between animals and humans.
- Celebrates human/animal interactions and works to improve animal well-being.
- Supports raising and using animals humanely and responsibly for food, fiber, labor and research; humane management of animal populations; keeping animals in properly maintain zoos and other educational venues; and enjoying animal sports and animals in movies, circuses, and on-stage all when properly maintained with the health and enjoyment of the animal as the primary standard.

Animal Rights is a political movement that:

- Opposes all animal use and most traditional relationships with animals, including owning pets, breeding of dogs or cats, consumption of meat, wearing of leather or wool, biomedical research, circuses, zoos, hunting,

- trapping, ranching, fishing, and learning about animals by hands-on experiences.
- Manipulates the political process to spin concern for animals into laws and regulations that deprive private citizens of the right to make ethical determinations about their relationships with animals.
 - Manufactures crises about animal care based on distortions about animal husbandry and extreme cases of mismanagement and abuse, then uses these misrepresentations to vilify animal owners and related interests.
 - Raises funds using crises that it has manufactured, distorted or sensationalized.
 - Attempts to transfer power and authority over animal ownership, husbandry and use to the government and the courts.
 - Plays on the sympathies of animal lovers to raise money for campaigns, which, if successful, would deprive them of their ability to interact with animals.
 - Condone, incites or indulges in activity against those who raise and keep animals.
 - Attempts to separate the destiny of man from the destiny of animals.

AMERICAN SPANIEL CLUB ON LEGISLATIVE MATTERS AND POSITION STATEMENTS*

**Credit to the Golden Retriever Club of America*

The American Spaniel Club encourages responsible dog ownership

ASC believes that owning a Spaniel is a rewarding experience that brings great joy and happiness to any household. With dog ownership comes long-term emotional and financial commitment and a variety of responsibilities. Accordingly, we encourage potential owners to closely evaluate their lifestyle before deciding to obtain a spaniel.

ASC strongly urges puppy purchasers to seek responsible, ethical breeders as resources for their dogs. We further encourage owners to provide proper care, training and socialization to ensure that their pets remain happy members of their family, respectable members of the community and well-mannered canine good citizens. ASC conceptually opposes legislative efforts to curtail all legitimate rights to own, breed, train and appreciate Cocker Spaniels and purebred dogs to the fullest of their abilities.

Originally, animal control laws served two purposes: 1) to provide a basis for the protection of the public's health, and 2) to provide a means to prosecute animal cruelty. In recent years however, animal rights groups have pushed to force the government at every level to engage in the everyday management of dog ownership, including attempting to set numerical limits on "hobby" breeders as well as commercial kennels.

We believe that appropriate care for dogs is not related to the number of dogs one owns, but solely by how well one cares for their dogs. ASC members are to adhere to the highest ethical standards of responsible dog breeders.

Every state has animal cruelty statutes and nuisance laws that are sufficient to deal with these cases as they arise, as long as they are appropriately enforced. Creating additional laws to substitute for lack of enforcement will not improve situations where substandard dog care is occurring. As our society becomes more urban, and as the age of the dog sport population advances, the number of people with extensive experience in animal husbandry is dwindling. The education and training of the public as to how the responsible dog owner/breeder has improved the lives of their animals is more critical than any single piece of legislation, no matter how well intended. For ASC, advocacy groups such as the [National Animal Interest Alliance](#) and [The Calvary Group](#) play a critical role in advancing the importance of animal welfare for all animals in general, and the spaniel breeds we support in particular.

American Spaniel Club supports reasonable and rational approaches

Few of the attempts to impact perceived animal issues current being pursued by the animal rights community actually assist the individual animals they target. Instead, they attempt to make animal ownership more expensive, more difficult and often impossible for our dedicated breeders. Limit laws and higher license fees have been shown not to work, and generally are difficult to enforce. Responsible, dedicated, high profile breeders are often targeted by animal rights groups in an effort to obtain publicity for the public, often based on incorrect facts and allegations of cruelty. These efforts impose large financial burdens on the targeted breeders and their dogs unfairly confiscated, contributing to the financial burden to those breeders. People naturally try resisting these burdens when they know they have done nothing morally or ethical wrong. The negative consequences of such cruelty charges can be devastating and financially ruinous for the individual. Reputable hobby breeders of purebred dogs, developed for companionship, recreation and service should be able to continue their breeding programs to maintain and improve their chosen breeds without punitive governmental action or legislation.

American Spaniel Club's Position on Breed Specific Legislation

ASC believes that their members should be responsible for their dogs. ASC supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. We support laws that: 1) establish a fair process by which specific dogs are identified as "dangerous" based on stated, measurable actions; 2) impose appropriate penalties for reckless or irresponsible actions by owners of such dogs; and 3) establish a well-defined method for dealing with dogs proven to be dangerous.

While we believe that dogs proven to be “dangerous” may need to be humanely euthanized, ASC strongly opposes any legislation that determines a dog to be “dangerous” based on its breed or physical appearance.

ASC opposes breed specific legislation. Although our breeds are not typically targeted by such legislation, we recognize the danger in singling out one breed or another as inherently vicious. We also support reasonable laws to protect the public from dangerous dogs while opposing all breed-specific legislation in any form.

American Spaniel Club’s Position on Purebred Dog Breeding and Breeding Restrictions

ASC is dedicated to preserving the future of purebred dogs. ASC honors purebred dog breeders whose commitment, vision and high standards have developed, sustain and continue to advance purebred dogs as unequaled family and working companions. Purebred dogs exhibit consistency in size, appearance, temperament and instincts. This enables prospective owners to choose a puppy that fits their particular lifestyle and increases the likelihood of a long, successful lifetime in that home. ASC is proud to advocate for purebred dogs, breeding for type and function, the sport of purebred dogs and for breeders who are committed to the health and well-being of dogs and preserving their unique breeds.

ASC believes that breeding programs should be undertaken responsibly for the purpose of preserving breed characteristics and producing healthy, well-socialized purebred puppies. Responsible breeders are expected to give careful consideration to health issues, temperament, and genetic screening, as well as to the individual care and placement of puppies in responsible homes. ASC strongly supports and actively encourages a wide range of programs to educate the public about responsible breeding practices and responsibilities of dog ownership. ASC supports and promotes responsible breeding practices through breeders’ education programs and commends those who offer similar guidance.

ASC strongly opposes the breeding of dogs by those who do so without regard for the dogs’ welfare. We support reasonable and enforceable laws that protect the welfare and health of dogs and do not restrict the rights of breeders and owners that take their responsibility seriously and support state and local regulations governing the humane care of animals.

AMERICAN KENNEL CLUB GOVERNMENT RELATIONS DEPARTMENT

The American Kennel Club Government Relations Department (AKC-GR) is dedicated to protecting the rights of all dog owners, promoting responsible dog ownership and ensuring that laws governing dog ownership and breeding are reasonable, enforceable and non-discriminatory. AKC-GR leads the American Kennel Club’s (AKC) legislative efforts and identifies its goals as “working to protect the rights of all dog owners and promote responsible dog ownership” (AKC Mission Statement). AKC-GR further identifies its mission as educating and

informing responsible dog owners and breeders about the issues that impact them. With 125 years of experience in the study and welfare of dogs, the AKC is a leading expert on dog ownership, care, well-being and public policy issues that pertain to dog ownership. The primary role of the AKC in the area of canine public policy is educational and informational. AKC-GR provides a variety of services in the area of government relations, including:

- Tracking and reviewing legislation for potential impact on fanciers and the general dog-owning public.
- Developing and sending materials and statements of opposition or support as necessary to local, state and federal officials in order to ensure that legislation dealing with dogs is reasonable, enforceable and non-discriminatory.
- Working directly with clubs, federation members and other allied groups to assist and empower them in developing and implementing strategies to advocate for the rights of responsible dog-owners and breeders, and to train trainers about issues in canine legislation, lobbying and other advocacy techniques.
- Providing issue-based policy expertise including policy briefs, model legislation/sample laws, and alternate language to policymakers, clubs, federations, and individuals involved in the development of canine policy.
- The AKC Political Action Committee (AKC-PAC) provides support to candidates for federal or state legislative office who support reasonable enforceable laws that protect the health and welfare of dogs and do not restrict the rights of breeders and owners who take their responsibilities seriously.

To stay up to date on current legislative issues, concerned breeders and fanciers can sign up to receive AKC-GR's Legislative Alerts at <https://www.akc.org/legislative-alerts>.

AKC Government Relations' staff is available to assist fanciers with legislative and regulatory issues. For more information, contact AKC-GR at 919-816-3720 or doglaw@akc.org.

WHEN ANIMAL CONTROL IS AT YOUR DOOR

ASC recognizes that the local Animal Control officials might occasionally visit our members. Since even the most innocent visit may have serious consequences, we offer the following guidelines when such a visit occurs:

1. Do not grant them access to your home or kennel, no matter how much they ask. Animal Control generally cannot enter your home without a warrant, or your permission. While regular police can enter in emergency situations when human life is at risk there are very few, if any, situations in which Animal Control can enter without a warrant. Simply tell them they may not come in.

2. If you do let them in, anything they find in “plain sight” can be used against you. In some circumstances Animal Control officers, unable to find a legitimate reason to make an arrest, have reported building or zoning violations. This may include that caging you attach to a wall without a building permit, that extra outlet in the puppy room, having more pets than allowed by zoning, even an extension cord in violation of fire codes. No matter how clean your kennel is if they want to find a violation they will.
3. Do not talk to them from an open doorway. Step outside and close the door behind you. This is necessary because: a) anything they see through the open door is “plain sight” and may be the basis for an arrest, or probable cause for a search warrant. b) If they make an arrest or even feel threatened, they are usually permitted to search for weapons in your immediate area. c) It is hard not to be intimidated by someone in authority. Local police, who carry guns, can do some animal control. It is easy for them to get “in your face”, causing you to back up into the home. Once you go in, it will be interpreted as an invitation to follow.
4. If they claim to have a warrant, demand to see it. In general, a search warrant must be signed by a judge. A warrant to search you home for dogs does not include an inventory of your jewelry box. A warrant to search your kennel in the garage or in the barn does not include a search of your home. The warrant is only good for the specific areas detailed on the warrant.
5. In some locations dog owners may have obtained special “breeder permits” that stipulate that Animal Control has your permission to enter at any time. If you have signed such a permit they still cannot enter against your wishes, since you can revoke the permission at any time. However, if you refuse permission it may allow them to cancel your breeder permit, so you have to weigh the consequences.
6. Warning, anyone in lawful possession of the premises may be able to give them permission for a search. Make sure your baby sitter, roommate, dog sitter, housekeeper and others know that they should not let animal control into your home.

How to Handle Questions

1. Don't answer any questions beyond identifying yourself for the officer. Anything you say to the officer in your defense cannot be used in court (hearsay). Anything you say that is harmful to you will be used in court (confessions are not considered hearsay). You cannot win, except by remaining silent.
2. Be polite but firm. Do not argue, bad mouth, curse, threaten or try to intimidate the officer.
3. Do not lie to an officer, ever. However, it is NOT a lie to exercise your right to remain silent.
4. Keep your hands in plain sight. People have been shot by police when common objects, such as a wallet, were mistaken for a gun.
5. Do not touch the officer in any way. Do not physically resist an officer, no matter how unlawful his or her actions.

6. Don't try to tell your side of the story, it cannot help.
7. Do not threaten an officer that you plan to file a complaint for their actions.
8. If the questioning persists, demand to speak to a lawyer first. **Repeat as necessary.**

Gathering the Facts

1. Get the name and badge number of each officer involved. If she/he does not volunteer this information, ask.
2. Ask the name of the agency they represent. Different agencies have different enforcement responsibilities.
3. Ask why they are there. Request the factual basis of the complaint, and the identity of the complainant.
4. If they have other people with them (Humane Society, press, etc.) get the names and organizations for all present.
5. Note the names (and addresses) of any witnesses to the encounter.
6. If you are physically injured by the officer, you should take photographs of the injuries immediately, but do not forego proper medical treatment first.
7. Write down all of the information, as well as the date and time of the incident while details are fresh in your mind.
8. If your rights are violated file a complaint with the appropriate body.

If you are arrested

1. Remain Silent. Answer no questions until you have consulted with a lawyer.
2. Don't "explain" anything. You will have time for explanations after you have talked to your lawyer.
3. Within a reasonable time they must allow you to make a phone call to get a lawyer or arrange bail. They are not allowed to listen to your call to your attorney, but they may "monitor" the rooms for "your protection". Do not say anything you do not want them to overhear; save that until after you are out on bail.

Telephone Inquiries or Threats

You may receive telephone inquiries concerning the number of dogs you own and whether any dogs or puppies are for sale.

Your response should be to inquire, "Are you interested in a puppy?" If the answer is "yes", ask that person for their name, address and phone number. Suggest that you or a responsible breeder will contact that person at a more convenient time for you.

If the answer is friendly and genuinely inquisitive invite the person to look at your puppies.

If the question is asked, "What is the price of each puppy?" simply say that puppies of this type are being sold for between "X" and "Y" dollars. Never say that you are selling them.

If the question is asked, “Are these your puppies?” you should ask “Why do you want to know?”

If your conversation indicates that the person is representing the county clerk’s office or allegedly representing an official body, ask the caller for:

1. Full name, title, phone number.
2. Agency’s full name and full address.
3. Their supervisor’s full name and phone number.
4. Nature of the inquiry.
5. Why the inquiry is being made.
6. How your name and phone number were obtained.
7. Ask that all future questions from that agency be submitted in writing.

Preventative Measures

1. Always keep your kennel clean and take good care of your animals.
2. Consider a P.O. Box or other address for business cards and advertisements. Keep descriptions of your location general; i.e. Southern California, rather than the name of the city where you live. The Internet can provide anonymity for initial contacts. You can even by a “remote prefix” to get a phone number from a nearby community forwarded to your phone or to a voice mail. Avoid local newspaper classifieds as they are often monitored.
3. Screen any potential puppy buyers carefully. Always be alert that they may be Animal Control or even Animal Rights working under cover.
4. Do not allow strangers into your home until you have screened them.
5. Be fair and honest in all of your dealings and be on good terms with your neighbors. Most animal control contacts are complaint driven. Some complaints may arise as harassment by people with unrelated grievances against you. It may be a disgruntled dog buyer, or a cranky neighbor who doesn’t like you parking in front of his house, or other unrelated circumstances.
6. Anything about you that can be observed in “plain sight” from the street or sidewalk can become probable cause for a warrant. Even areas on your property open to visitors can be dangerous. Be aware of which areas of your home are visible from the outside, and plan accordingly.
7. If you are confronted by Animal Control and turn them away, **assume they will be back**. Use the time available to make sure everything is clean and presentable. If you are over limit on the number of pets, find friends who can provide temporary shelter for your dogs.

Whatever you do, stay calm and keep your wits about you.

Just say “no, no matter what threats or promises of lenience they make.

When in doubt, say nothing and speak to a lawyer afterwards.