

Hound Hysteria and the Panic of Breed-ism

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Table of Contents:

BULLY BEDLAM (Introduction)	2
Chapter 1: DON'T BULLY MY BREED (History)	6
Chapter 2: PUNISH THE DEED, NOT THE BREED (Inefficacy of BSL)	9
Chapter 3: PITY PRESS (Effects of the Media)	15
Chapter 4: BAN IGNORANCE, NOT PIT BULLS (Discounting Negative Stereotypes)	23
Chapter 5: HOUND HYSTERIA (Breed-ism as a Moral Panic)	34
Chapter 6: (UN)CONSTITUTIONAL CANINE CHAOS	44
(Determining the Constitutionality of Breed-ism)	
Chapter 7: FIXING THE FIDO FIASCO (Education, Not Legislation)	53
ANNOTATED BIBLIOGRAPHY	58

Dedicated to my pit bull Kaine.

BULLY BEDLAM (Introduction)

Some people may fear dogs because of a specific incident in their past, or a story that they heard from a friend or coworker. Others may fear dogs simply due to an innocent ignorance and perhaps a lack of interaction with them. For the American Pit Bull Terrier, however, many fear him without cause due to a moral panic that has arisen over the breed and similar type dogs. The pit bull actually is not even considered a breed. Neither the American Kennel Club (AKC) or the United Kennel Club (UKC) recognize the pit bull as its own breed or group of dogs.¹ The term “pit bull” actually refers to Staffordshire Bull Terriers, American Staffordshire Terriers, and American Pit Bull Terriers, and in some breed-specific legislation (BSL), any dog with similar traits of these aforementioned breeds. These types of dogs actually gained this gruesome name due to their history when nineteenth-century English breeders began crossing bulldogs with terriers to produce a smaller and quicker breed with stamina and persistence who would prove more valuable in the dogfighting pit, as dogfighting replaced bull- and bear-baiting as a gentlemen’s sport.²

The pit bull was once a revered all-American dog who was presented in popular television shows and advertisements as a devoted, gentle friend. But in the 1980’s and 1990’s the dog began to be portrayed as an evil, dangerous monster, and slowly legislation emerged that attempted to ban the dog from counties and cities nationwide. Many theorize that this occurred due to the popular tactic of the media which began to cover violent dog attacks to help compete against the violence in American movies and television shows. The transition of the pit bull’s

¹ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 840.

² Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 841.

perception is accurately explained by moral panic theory.

Even today, the song *Red Nose* written by Dominic Wynn Woods and produced and performed by rapper Sage the Gemini, has lyrics that depict the pit bull as a vicious fighting dog who thrashes from side to side with teeth clamped onto his victim³. Fortunately, this is not true of most pit bulls who are loyal and serene animals. However, the negative depictions are what last in the minds of unexperienced Americans and have a continued effect on their overall perception of pit bulls. This paper will examine the history of the pit bull type dog, the inefficacy of the bans placed on these dogs, the effects that the media have had on the perceptions of them, the inaccuracy of negative stereotypes, the perfect fit of the moral panic theory model, the constitutionality of breed-specific legislation, and the lack of education surrounding dog ownership and dog safety. Addressing each of these sections will show that pit bull bans and breed specific legislation are unconstitutional, ineffective, and a form of moral panic.

Chapter 1 will begin by exploring the history of the pit bull type dog, and the effect that selective breeding has had on the temperament of these dogs. I will examine the recipe for disaster in breeding a dog that will do anything to please its master, as well as the breed-specific legislation that has been introduced to combat the problem of dog fighting and prevent dog bites and attacks. I will discuss the implications of breed-specific legislation on society and I will address the inefficacy of these statutes in Chapter 2. This discussion will include ideas about the what has come to be known as Streisand Effect, in which banning something actually makes it more desirable. I will also address the costs associated with such laws, along with the

³ Dominic Wynn Woods. (2014). "Red Nose". *Remember Me*. <http://www.youtube.com/watch?v=guSVnb3BqD0>.

proliferation of dog fighting and the steady, unchanged bite statistics despite the presence of such laws.

In Chapter 3, I will address the possibility that the media has influenced negative views of pit bulls. By incorporating the views of Plato who warns about the dangers of poetry specifically, we can generalize his ideas to the media and the dangers of its artistic expression, especially when the media is so often viewed as an unbiased truth. I will examine how the media is not necessarily malicious in its inaccuracy, but how the competition that exists due to violent movies and culture can fuel and facilitate irresponsible journalism. I will also compare and contrast the negativity of pit bull news stories which are covered more frequently than other breeds, and I will address how the use of the words “pit bull” in a title or headline can have a great effect on public perception. Unfortunately, representations: whether they be true, false, or a little bit of both, seem to fuel our perceptions of truth. “Today our experience of the world is comprised largely of the representations we make of it in photographs, films, on television.”⁴

Next, in Chapter 4, I will present research that will include dog bite statistics, bite-force testing, and aggression testing with results of the pit bull and other breeds compared. I will present professional opinions of those who work with dogs for a living, reiterating that these pit bull-type dogs were actually bred to be human friendly. In Chapter 5 I will explain moral panic theory in depth, providing other examples of moral panics, and then I will connect moral panic theory to the perception of the pit bull. This chapter will examine dog fighting participants and audiences and how pit bull owners are typically perceived in general and in relation to their race and class. Further, this chapter will propose that the pit bull is actually a placebo for the true

⁴ Jay Sanders and Laurie Anderson. (2013). “The Artist as Media”. (*Art In America 101, Volume 10*), 127.

target of urban, poor, and working class populations. Chapter 6 will cover the constitutionality of breed-specific legislation (BSL) and will examine the history of BSL in the court system. I will address the various types of judicial review or scrutiny and explain where BSL fits into the model. In addition, I will examine the merits and pitfalls of each argument that could be used to argue that BSL is unconstitutional.

Finally, I will close with some thoughts regarding the usefulness of education in place of legislation. Education about dog fighting, animal abuse, and animal ownership and responsibility is very important for a safe and civilized society. I will explain the theory that some irresponsible owners simply lack education about dog ownership and safety, and I will propose some dog safety guidelines and responsible dog ownership laws as an alternate remedy for keeping our communities safe against dog fighting and attacks. I will end by explaining that nothing will change without appropriate funding allocated for enforcing existing dog fighting and animal abuse statutes.

Chapter 1: DON'T BULLY MY BREED (History)

Although many people do not realize, pit bull type dogs were once the most revered, all-American dogs who were often present in American daily life, pop culture, and advertisements up until the 1980's.⁵ One such pit bull was Stubby, an American Pit Bull Terrier who earned the military rank of Sergeant during WWI exemplifying the friendliness, bravery, and strong work ethic of these types of dogs. Another example was Petey, a lovable and trustworthy pit bull companion appearing on the popular television show "The Little Rascals". In addition, Helen Keller, President Theodore Roosevelt, President Woodrow Wilson, and Thomas Edison had pit bulls.⁶ They were once nicknamed the "nursemaid's dog" due to their trustworthiness and their reliability with children.⁷ Their reputation has not quite remained immaculate, however, and perhaps their name and early history has added to the tarnish.

When dog fighting began to replace bull- and bear-baiting as the new English gentlemen's sport in the nineteenth century, dog breeders began crossing small and quick terriers with larger, more muscular bull dogs to achieve a dog who was eager to please, strong, and persistent.⁸ Pit bulls have always been bred to be human-friendly. Even with the irresponsible breeding of today's underground dog fighting rings, pit bull breeders typically select for breeding dogs with a friendly disposition towards humans so that they can easily intercept fighting dogs,

⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 9.

⁶ Jamey Medlin. (2007). "Pit Bull Bans and the Human Factors Affecting Canine Behavior." (*DePaul Law Review*. 56), 1288.

⁷ Rachel Blumenfeld. (2010). "Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting". (*Sports Lawyers Journal*. 17), 3.

⁸ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 840-841.

and so that their clientele or dog fight audience remain safe.⁹ Contrary to how pit bulls are displayed in the media as stranger-aggressive and vicious; commonly pit bulls are warm, loving, and welcoming towards humans because of their breeding past. Unfortunately, those who engage in illegal and violent dog fighting also use these qualities of the pit bull to their advantage. Pit bulls are reward-driven and easily trained, which not only makes them a loyal pet, but they are often willing to do anything to please their owners. Those who engage in dog fighting are delighted by the persistence of the pit bull who will willingly obey all of their commands. These abusive owners may deprive their dogs of food and human contact, and only reward them with these things after a “successful” fight with another dog, or an extreme display of aggression or strength during their training. The pit bull, eager to learn, and eager to please, catches on quickly, and can rapidly become the fighting machines that their owners desire. “The wrong people realized that this breed is extremely loyal and eager to please.”¹⁰ The temperament of the pit bull has quickly become a recipe for disaster, as pit bulls have fallen under the control of some very irresponsible and abusive owners.

In the early 1980’s, dog fighting proliferated on American streets, and some violent dog attacks occurred which caused people to consider possible solutions. In 1987 alone, over 850 articles about pit bulls were printed in the United States,¹¹ and responsible owners with loving affectionate pit bulls began to have their dogs euthanized in fear that the dogs would “turn”¹². In

⁹ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

¹⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 145.

¹¹ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 100.

¹² B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 31.

an attempt to control what seemed to be a new problem, many cities began to enact breed specific legislation (BSL), or essentially pit bull bans. Even in some communities that haven't enacted bans, pit bull owners often have trouble renting apartments and securing homeowner's insurance due to dog breed restrictions that ban pit bulls. "Rather than responsibly addressing societal ills and enlisting experts to implement proactive programs and education, rather than confronting animal abuse and enforcing and creating laws to protect people from neglectful and violent dog owners, they incite the public into thinking that slaughtering and torturing dogs and puppies will provide us with safer streets. This is the face of BSL."¹³

The film *Beyond the Myth* depicts many instances in which law abiding owners would learn about a city's ban on pit bulls and bring their dog in to be evaluated. The dogs would be confined to a small cage, and the owners were not given any information on their dogs' location or status. The owners would have to prove to a court that their dog did not fit the characteristics of a pit bull, or their dog would be euthanized. In just two years, Denver, Colorado euthanized 1,667 dogs simply because they looked like pit bulls.¹⁴ Sadly, breed specific legislation and pit bulls bans have done absolutely nothing when considering dog attack statistics, and the rapid growth of dog fighting across the United States.

¹³ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 62.

¹⁴ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 66.

Chapter 2: PUNISH THE DEED, NOT THE BREED (Inefficacy of BSL)

When examining Denver's ban on pit bulls, and the number of dogs killed in just a two year period, one might expect to see a difference in the number or severity of dog attacks compared to other cities without BSL, but this is just not the case. There is no difference in number or severity of the dog attacks in Denver compared to other cities without BSL.¹⁵ When determining whether or not a ban on certain breeds of dogs can be considered effective, a goal must be established to examine. With pit bull bans, possible goals could include dog bite and/or attack prevention, as well as prevention of dog fighting. Breed bans do not decrease the number of dog attacks, nor do they actually eliminate the banned breed itself, or the practice of dog fighting. Similar to Denver, despite the fact that the United Kingdom has banned the sale and breeding of pit bulls since 1991, the number of dog attacks has not wavered.¹⁶ Also in 2002, Miami-Dade County, Florida harbored approximately 50,000 illegally-owned pit bulls, even though a pit bull ban was enacted in 1988.¹⁷ Additionally, Miami-Dade actually has more dog bite incidents that require hospitalization than the rest of the state of Florida.¹⁸ Denver also happens to be home to an estimated 4,500 pit bulls despite its obviously ineffective ban.¹⁹

There are many reasons why pit bull bans and breed specific legislation are ineffective

¹⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 66.

¹⁶ Safia Gray Hussain. (2006). "Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve The Dangerous-Dog Dilemma." (*Fordham Law Review*. 74), 2873.

¹⁷ Safia Gray Hussain. (2006). "Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve The Dangerous-Dog Dilemma." (*Fordham Law Review*. 74), 2872-73.

¹⁸ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 67.

¹⁹ Jamey Medlin. (2007). "Pit Bull Bans and the Human Factors Affecting Canine Behavior." (*DePaul Law Review*. 56), 1313.

including: the cost to the community (direct and indirect revenue loss), the cost in manpower (time), a cross-agency overlap in responsibility, difficulty in determining breed, the definition of a pit bull can be subjective, limited space at dog shelters because each dog must be contained separately, increased the number of animal control commission cases causing backlog, no improvement in public safety, dog fighting unaffected, difficulty of enforcement, and the desirability of the banned breed is increased for criminals.²⁰

In 2003, a task force was formed in Prince George County, Maryland to evaluate its vicious animal legislation which included a pit bull ban. The task force concluded that the ban should be repealed and that the city's dangerous-dog law should be strengthened simply because of the costs associated with the ban and its lack of effectiveness.²¹ Direct costs including legal expenses for the city, veterinary care for the kenneled dogs, and additional animal control staff salaries, as well as indirect costs such as some owners choosing to move outside the city to avoid the ban, are often underestimated. When resources such as these are not allocated for a breed ban, the ban becomes meaningless legislation. While dog kennels and animal control are overwhelmed originally, a breed ban causes an influx of animals to an already overflowing kennel, and also adds the duty of finding and caring for these dogs to the overworked animal control staff. In addition, legal expenses often add up for the city with a breed ban, which must prove to a court that the animals in question fit the description of a pit bull or the banned breed.

Since the bans do not produce much income for the communities from fines, funding is often limited. A lack of funding, or inadequate funding, can increase the difficulty of

²⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 70.

²¹ Safia Gray Hussain. (2006). "Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve The Dangerous-Dog Dilemma." (*Fordham Law Review*. 74), 2873.

enforcement so many communities do ultimately repeal their bans. Research has shown that increasing the certainty of punishment rather than the severity of punishment will increase the deterrent benefits.²² When communities have trouble enforcing pit bull bans, the deterrent benefits are reduced because the punishment is much less than certain for offenders.

Not only are potential offenders not deterred, but breed bans can actually attract the most abusive owners to the breed. Some people are not deterred by pit bull bans, including criminals and gang members who knowingly risk incarceration and other legal sanctions for many things on a daily basis. Deterrence only works for those who are likely to be deterred.²³ In this way, breed bans do not discourage irresponsible behavior, since these dangerous and abusive owners are not likely to be deterred anyway.

One of the main reasons why breed bans are an ineffective solution for preventing dog fighting is that they have essentially glorified pit bulls for status-seeking criminals. “Demonizing certain breeds only furthers their appeal to the most extremely abusive of owners while feeding into a public hysteria and frightening off any potential suitable owners for this breed of dog.”²⁴ Gang members and other thrill-seeking criminals may view pit bull bans as just another reason they must have a pit bull. Even in the United Kingdom, “by criminalizing dogs like Pit Bulls, it is arguable that the *Dangerous Dogs Act* has paradoxically worked to enhance their reputation and increased their appeal to the very people the state is actively trying to discourage from

²² Valerie Wright. (2010). “Deterrence in Criminal Justice: Evaluating Certainty Versus Severity of Punishment.” *The Sentencing Project*. <http://www.sentencingproject.org>. 4.

²³ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 399.

²⁴ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 98.

owning them.”²⁵ While most people with pit bulls cite the loyalty and versatility of pit bulls as reasons for owning this specific breed, the bans make this breed seem dangerous and threatening. This inaccurate portrayal, which often coincides with the portrayal offered by the media, can cause pit bulls to fall into the hands of irresponsible owners who are actually attracted to the idea of owning a dog capable of the violent acts that they desire.

Not only has celebrity endorsement of dog fighting and animal cruelty by NFL players, and high-profile rap stars increased the popularity of dog fighting,²⁶ but by banning pit bulls, communities have made them more desirable for those who disregard the law and engage in dog fighting and other illegal activity. Drug dealers and gang members may crave a loyal and determined pit bull to protect them in their illegal activities. “The pit bull’s once-revered characteristics of loyalty and tenacity have been manipulated by those looking for a dog to ruthlessly defend their homes, or make them rich by fighting to the death in dogfighting matches.”²⁷

While irresponsible owners will continue to own, breed, and even abuse their pit bulls in communities with a breed ban, responsible owners continue to turn over their docile dogs.²⁸ The bans also discourage the behavior of responsible owners, who are punished instead for simply owning the banned breed. For example, the city of Denver, Colorado had enacted a pit bull ban in 1989 that was nullified by their state legislature in April of 2004, who passed a law declaring

²⁵ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 400.

²⁶ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*, 56), 1302.

²⁷ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*, 56), 1298.

²⁸ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*, 56), 1306.

breed-specific legislation illegal. The city of Denver pursued appeals until the state law was deemed unconstitutional by a Denver District Court Judge in December of 2005 and the pit bull ban went back into effect.²⁹ Unfortunately, the first owners that were targeted once the ban was back in place were those responsible owners who had attempted to register their pit bulls while the ban had been lifted.³⁰ “As a result, instead of having fewer dangerous dogs, the dangerous dogs will remain and will be in the hands of irresponsible owners.”³¹

Breed specific legislation has also contributed directly and indirectly to the estimated three million euthanized pit bulls across the United States each year.³² Pit bulls who are turned over by their owners in communities with a ban are usually euthanized, and shelters and dog rescues may euthanize pit bulls due to their unpopularity because of breed bans, or because of the difficulty of ensuring responsible ownership, or because the shelter may automatically assume that the breed is dangerous and un-adoptable.

Most importantly, pit bull bans ignore the human factors that affect canine behavior.³³ As Simon Hallsworth states, “Like the Jews in Nazi Germany, the Pit Bulls’ ultimate crime is that they have the wrong imputed characteristics and are associated with crimes not of their making.”³⁴ Although comparing a dog breed ban to a genocide is a bit extreme, these breed bans

²⁹ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1290.

³⁰ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films)..

³¹ Rachel Blumenfeld. (2010). “Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting”. (*Sports Lawyers Journal*. 17), 18.

³² Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1306.

³³ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1293.

³⁴ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 392.

do essentially punish an entire group for what they are, without any justifiable cause. “Laws targeting breed alone cannot eradicate dangerous dog attacks; municipalities must pass laws targeting irresponsible human behavior and enforce existing animal control laws.”³⁵ Despite the fact that causative factors, which do not include breed, are commonly mentioned in the majority of fatal dog-attack cases, society has only just begun to proactively eliminate these causes.³⁶ “Blaming ‘the breed’ distracts us from acknowledging the truly dangerous and criminal activity on the part of human beings.”³⁷ Although breed bans are ineffective and expensive, some communities do continue to try to enforce them to give community members a false sense of security,³⁸ due to the overall perception of pit bulls. The media has influenced people to form many of these negative attitudes, impressions, and judgments towards pit bulls and even, in some cases, pit bull owners.

³⁵ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1293.

³⁶ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 191.

³⁷ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 229.

³⁸ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1311.

Chapter 3: PITY PRESS (Effects of the Media)

Many often wonder how the American public has come to perceive pit bulls as dangerous and vicious dogs, despite their friendly disposition. Print newspapers, magazines, televised news, and online blogs can all have an influencing effect on perception. These media sources have, perhaps unintentionally, contributed to, and possibly even created, a perception for the pit bull that is simply untrue. This negative attention from the media is not necessarily a calculated attempt at the destruction of a dog breed, however, there is evidence that media has contributed greatly to the negative perceptions.

As John Springhall points out in *Youth, Popular Culture, and Moral Panics: Penny Gaffs to Gangsta-Rap 1830-1996* (1998), children are actually more frightened of the news than of horror films, due to the increasing attempts that the media makes to cover shocking and graphic news stories in order to compete with the violence in popular culture.³⁹ While both are often shocking, graphic and violent, the difference is that the media is seen as more realistic and horror movies are simply fiction. American movies, television shows, and youth culture have grown increasingly violent over the past few decades. In order to compete with the violence, action, and excitement offered daily for Americans, the media has begun to follow suit by reporting mostly shocking, exciting, or violent news stories. While this innocent attempt to gain more viewers is understandable, it has also caused the media to focus in on rare, but very violent occurrences such as dog attacks.

In 1996, the odds of dying from a dog attack were one in 11,534,087 which are less than

³⁹ John Springhall. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. (New York: St. Martin's Press), 154.

the odds of being struck by lightning (1/4,210,857).⁴⁰ Despite the rarity of fatal dog attacks, they are covered quite often by media sources, especially when a pit bull is involved. This coverage makes the attacks seem more common than they truly are, which has influenced the public to believe that dog attacks are a serious problem.⁴¹ As author Janis Bradley (2005) points out, a person is more likely to be killed by a 5-gallon bucket, among many other things, than by a dog.⁴² Yet people continue to hear about dog attacks on the news, and therefore the fear is heightened and unrealistic. The media has also contributed in many other ways to the poor perceptions that people retain regarding pit bulls.

One tactic used by the media which causes people to develop preconceived notions about pit bulls is the use of the term pit bull itself in headlines about dog attacks involving these types of dogs and the omission of any breed descriptions in headline about dog attacks that do not involve pit bulls.⁴³⁴⁴⁴⁵⁴⁶⁴⁷ Often, news sources will refer to a non-pit bull attack as a “dog attack”, but if there is a pit bull involved in a violent incident, the breed is almost always

⁴⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 38.

⁴¹ Janis Bradley. 2005. *Dogs Bite: But Balloons and Slippers Are More Dangerous*. (Berkeley, CA: James and Kenneth Publishers).

⁴² Janis Bradley. 2005. *Dogs Bite: But Balloons and Slippers Are More Dangerous*. (Berkeley, CA: James and Kenneth Publishers).

⁴³ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films)..

⁴⁴ Judy Cohen & John Richardson. (2002). “Pit Bull Panic.” (*Journal of Popular Culture*), 36(2), 285-317.

⁴⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co).

⁴⁶ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing).

⁴⁷ Devin Burstein. (2004). “Breed Specific Legislation: Unfair Prejudice & Ineffective Policy.” (*Animal Law* 10), 313-360.

included in the headline. This can cause those who have a negative attitude towards pit bulls to strengthen those negative feelings, and it can cause those who have neutral attitudes to develop negative feelings. Sometimes, if a dog attack story does not include a pit bull, editors of an article or televised news story will still use the image of a snarling pit bull to represent the story, which can subconsciously lead people to develop ideas about pit bulls that have no truth.⁴⁸

One example of a misleading picture used in the media was a picture of a pit bull with teeth showing, jumping against a fence. This article stated that the pit bull was trying to attack the photographer, and the author actually attempted to argue that pit bulls have no warning signs before they attack; so even if the picture was accurate, the message of the entire article is contradicted. However, this pit bull was actually excitedly jumping against the fence because his owner was holding a ball and he wanted to play.⁴⁹

Pit bulls also have a disadvantage because negative stories about pit bulls are far more likely to be published than any other breed. In 1986 alone, there were over 350 articles about pit bulls printed in the United States.⁵⁰ In 1987, a fatal pit bull attack was reported in 400+ newspapers, but months later multiple similar fatal attacks that did not include pit bulls were left unreported.⁵¹ The documentary, *Beyond The Myth: A film about pit bulls and breed discrimination*, recounts the story of Nicholas Faibish, a 12-year-old boy who was killed by his family's pit bulls in his own home in June 2005. An astonishing 292 news articles were

⁴⁸ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co).

⁴⁹ Judy Cohen & John Richardson. (2002). "Pit Bull Panic." (*Journal of Popular Culture*), 36(2), 291-292.

⁵⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 31.

⁵¹ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co).

published about the attack, which prompted many to assume that pit bulls were dangerous and vicious. However, two months earlier, a similar attack which led to the death of 7-year-old Kate-lynn Logel only produced 18 news articles. Kate-lynn Logel was killed by two Giant Malamutes, not pit bulls, which is perhaps why her attack wasn't as publicized.⁵² Pit bull attacks are usually widely-published, while attacks by other breeds are often unreported or underreported.

The media also often gives a narrow perspective when covering a story for a number of reasons. Many times, it is simply too difficult to retrieve all sides of a story due to time constraints, while other times only one side of the story will be considered news-worthy. Sometimes, only one side of a story is reported because the other side would actually negate the original stance taken by the reporter and to avoid a complicated or confusing piece the reporter omits some information. Pit bulls as vicious fighting machines or dangerous monsters are popular stories which are often reported, while stories about pit bulls as heroes or positive rescue stories about pit bulls are rarely reported.⁵³

In addition, the media often uses charged labels such as "vicious" to describe pit bulls in general, or all specific pit bulls involved in a story. Vivid imagery is used to describe pit bulls as monsters or sharks, and their jaw strength is outrageously exaggerated. In July 1987, Time Magazine published an article about pit bulls called "Behavior: Time Bombs on Legs", and People Magazine ran a headline for an article about pit bulls entitled "An Instinct for the Kill".⁵⁴

⁵² Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

⁵³ Judy Cohen & John Richardson. (2002). "Pit Bull Panic." (*Journal of Popular Culture*), 36(2), 285-317.

⁵⁴ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 32.

These suggestive titles are dramatic and memorable, and evoke fear in those without experience with the breed.

Journalists also sometimes use misleading headlines which capture a distorted view of the story that follows.⁵⁵ Author Boucher notes one example, which consisted of a report of a “6-Year-Old Girl Killed By Her Family Pet” in Michigan. The article gives limited details, but the case actually involved two unaltered pit bulls who were abandoned and confined in a vacant home. The female dog showed signs of a previous pregnancy, and both pit bulls were extremely underweight with no food found in their digestive tracts. Both dogs had ingested rat poison, and things such as cardboard, plastic fragments, and nails.⁵⁶ Obviously, these animals were not family pets and were, in reality, neglected, abused and starving. Responsible news reporting should instead stress that these situations can create a severe and violent threat. Because some people only read headlines, they may believe these very distorted synopses which can fuel the myths and misconceptions that surround the pit bull’s image.

Irresponsible journalism has also nourished the negativity surrounding pit bulls. “Pack journalism” where reporters read stories from respected newspapers or other news sources and write their own version, and “official sources syndrome” which causes reporters to rely on information considered credible without fact-checking, have contributed to the inaccurate coverage of pit bull stories.⁵⁷ In addition, journalists and reporters are likely to “pass the moral buck” and publish less than accurate information because no single person is responsible for the

⁵⁵ Judy Cohen & John Richardson. (2002). “Pit Bull Panic.” (*Journal of Popular Culture*), 36(2), 285-317.

⁵⁶ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 49.

⁵⁷ Judy Cohen & John Richardson. (2002). “Pit Bull Panic.” (*Journal of Popular Culture*), 36(2), 285-317.

end result.⁵⁸

Media also tends to favor the wealthy regarding their beliefs and political ideologies.⁵⁹

The most obvious reason for this is that news stations do not want to offend their sponsors. Since the middle and upper class will tend to fear pit bulls, the media will cover more negative pit bull stories in an attempt to please their sponsors and viewers. The reasons for middle class fear and hatred towards the pit bull will be further analyzed in Chapter 5.

“[Today,] The Pit Bull Paparazzi are our source of information on dog attacks. Like their tabloid celebrity counterparts, The Pit Bull Paparazzi are ever on the alert for any incident involving their high-profile subject, pushing past or ignoring all ‘low entertainment’ attacks, while zooming in on and hyping any incident involving the ‘high entertainment’ Pit bull. Theories about the breed, its history and temperament, are discussed, while details concerning the circumstances of the individual dog involved are not reported. Cause and effect, or reasons for the attack, are no longer found in reports, since breed is now recognized as sufficient information to explain aggression.”⁶⁰

Philosopher Plato also recognized the dangers of representation, such as that attempted by the media. In Plato’s Book X of *The Republic*, Socrates banishes poets from the city, for multiple reasons. The first reason Socrates offers, is that poets pretend to know things that they truly know nothing about. He explains the dangers of this false knowledge and warns about trusting it. The second reason given by Socrates, is that poets imitate the irrational parts of the

⁵⁸ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 44.

⁵⁹ Steve Macek. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. (Minneapolis: University of Minnesota Press), 140-141.

⁶⁰ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 172.

soul, which redirects energy from the rational parts. The last reason that he offers is that poetry can corrupt the most pure of all souls. Socrates warns of the dangers poets and poetry, essentially referring to all art and artists who attempt to make representations. Through Socrates, Plato alerts his audience and cautions them to be careful not to allow poetry to affect one's own political values.⁶¹ "People should, instead, be worried about the possible effects on one's own inner political system, of listening to it and should tread cautiously..."⁶² Today, this warning is similar to warnings about the dangers of media. The media often misrepresents pit bulls to fit commonly-accepted fallacies, and thus we must take caution in assuming media reports as truth.

Some suggest that pit bulls have been singled out for more media coverage because their bites are more likely to be more serious than other breeds, but even when serious injuries or death result due to a bite from another breed it is unlikely to get media coverage.⁶³ While many pit bull owners have become disgusted with media sources for engaging in all types of irresponsible journalism, some blame the public for buying into the sensationalism that is used to trash these innocent animals.⁶⁴ It is easy to ignore the fact that media can reinforce certain attitudes and actions while discouraging others and can have a great influence on behavior. "Sensationalized and disproportionate media coverage leaves a measurable effect on readers and viewers. This explanation is sometimes called the media-effects theory and purportedly contains 'sizable kernels of truth.'"⁶⁵ Evidence for this theory can be seen in the simple truth that

⁶¹ Plato in David Cooper. 1997. "The Republic: Book X." *Aesthetics, The Classic Readings*. (New York: Blackwell).

⁶² Plato, in David Cooper. 1997. *Aesthetics, The Classic Readings*. (New York: Blackwell), 27.

⁶³ Judy Cohen & John Richardson. (2002). "Pit Bull Panic." (*Journal of Popular Culture*), 36(2), 285-317.

⁶⁴ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 52.

⁶⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 55.

corporations spend billions of dollars per month for commercials that have the ability to persuade and infiltrate their potential consumer's mind.⁶⁶

A separate but related critique of the argument that media is to blame, is that all forms of media are simply focusing on what sells and they cannot be expected to cease appealing to the fear culture that we live in. However, Americans are often also interested and can become just as infatuated with positive, or "happy ending" stories, such as instances where pit bulls have saved a stranger. While the media has essentially instigated this hound hysteria, the public also has a serious obligation to search for real truths, instead of taking for granted the accuracy of media sources.

⁶⁶ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co) 55.

Chapter 4: BAN IGNORANCE, NOT PIT BULLS (Discounting Negative Stereotypes)

The major pit bull perception that is often influenced by the media is that pit bulls are more dangerous than other dog breeds. While a handful of professionals disagree, most professionals agree that there is no breed of dog that is any more unsafe than others.⁶⁷⁶⁸⁶⁹⁷⁰⁷¹⁷²⁷³⁷⁴⁷⁵⁷⁶⁷⁷⁷⁸⁷⁹⁸⁰⁸¹ Most research on dogs also seems to support this idea. The United States Centers for Disease Control (CDC) have decided not to support breed-specific

⁶⁷ ASPCA (2014). *Breed specific legislation*. <http://www.asPCA.org/>.

⁶⁸ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co).

⁶⁹ Janis Bradley. 2005. *Dogs Bite: But Balloons and Slippers Are More Dangerous*. (Berkeley, CA: James and Kenneth Publishers).

⁷⁰ Devin Burstein. (2004). "Breed Specific Legislation: Unfair Prejudice & Ineffective Policy." (*Animal Law* 10), 313-360.

⁷¹ Dana M. Campbell. (2009). "Pit Bull Bans: The State of Breed-Specific Legislation." (*American Bar Association General Practice, Solo & Small Firm Division: Animal Law*), 26(5).

⁷² Judy Cohen & John Richardson. (2002). "Pit Bull Panic." (*Journal of Popular Culture*), 36(2), 285-317.

⁷³ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing).

⁷⁴ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

⁷⁵ Lisa F. Godfrey. (2013). "Why Breed-Specific Legislation Doesn't Work." *The Humane Society of The United States*. <http://www.humanesociety.org/>.

⁷⁶ Simon Hallsworth. (2011). "Then They Came For the Dogs!" (*Crime, Law and Social Change*), 55(5), 396.

⁷⁷ Safia Gray Hussain. (2006). "Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve The Dangerous-Dog Dilemma." (*Fordham Law Review* 74), 2847-2887.

⁷⁸ Kray, Fray. (2012). PBLN. *Pit Bulletin Legal News*. (<http://legal.pblnn.com/>).

⁷⁹ Gary J. Patronek, Margaret Slater, & Amy Marder. (2010). "Use of a Number-Needed-to-Ban Calculation to Illustrate Limitations of Breed-Specific Legislation in Decreasing the Risk of Dog Bite-Related Injury." (*Journal of American Veterinary-Medical Association JAVMA*), 237(7): 788-792.

⁸⁰ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review* 78) 839-865.

⁸¹ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

legislation following their thorough studies of fatal dog bites.⁸²⁸³⁸⁴ In addition, the Obama Administration has issued an official response to a petition concerning breed-specific legislation in the United States, stating that breed-specific legislation is not supported, and that such bans are a waste of public resources. The response also cites that the CDC recommends a community-based approach to prevent dog bites.⁸⁵ The CDC has also added an important note to their studies on dog bites which cautions using their statistics to calculate breed involvement in fatal attacks because of the inability to factor total breed populations relative to breed-related fatalities.⁸⁶⁸⁷ “In fact, the CDC stopped tracking dog attacks by breed in 1988 because such unscientific tabulations were no basis for public policy.”⁸⁸ The American Veterinary Medical Association also issued a warning that breed statistics cannot be used to determine ‘dangerousness’ of any breed because there is no information on the numbers of each breed residing in the United States.⁸⁹

It is odd that pit bulls and other supposedly “dangerous breeds” such as Rottweilers, American Pit Bull Terriers, and American Staffordshire Terriers are banned in attempt to curb dog bites because humans are actually responsible for more than two times as many bites than all

⁸² ASPCA (2014). *Breed specific legislation*. <http://www.asPCA.org/>.

⁸³ Centers for Disease Control and Prevention. (2013). Dog bites. *CDC*. <http://www.cdc.gov/>.

⁸⁴ Gary J. Patronek, Margaret Slater, & Amy Marder. (2010). “Use of a Number-Needed-to-Ban Calculation to Illustrate Limitations of Breed-Specific Legislation in Decreasing the Risk of Dog Bite-Related Injury.” (*Journal of American Veterinary-Medical Association JAVMA*), 237(7): 788-792.

⁸⁵ White House Official Response (Obama Administration). (2013). “Breed-Specific Legislation is a Bad Idea.” *We The People*. <https://petitions.whitehouse.gov/>.

⁸⁶ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 124.

⁸⁷ Jeffrey J. Sacks, et al. (2000) Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998. (*Journal of the American Veterinary Medical Association*), 217:(6), 836-840.

⁸⁸ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 37.

⁸⁹ Jeffrey J. Sacks, et al. (2000) Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998. (*Journal of the American Veterinary Medical Association*), 217:(6), 836-840.

of these “dangerous dog breeds” combined.⁹⁰ One might expect that pit bulls are a common factor in dog attacks which is the explanation behind their bans, but they are not. The three recurring commonalities among dog attacks are that the attacks occur in a familiar place for the dog, most attacks are perpetrated by an unaltered male, and serious attacks are committed by dogs who are restrained or contained in some way.⁹¹ These three commonalities suggest that perhaps banning certain breeds is not an effective solution, and instead, something such as a funded spay and neuter program, incentive, or even requirement for non-breeders may help.

One way that dog behavior experts like to understand the temperament of different dog breeds is to use statistics offered by the American Temperament Test Society. This examination of a dog includes a test of shyness, aggressiveness, friendliness, stability, and the a measure of the dog’s instinct for protection of handler and himself in threat situations. The cumulative pass percentage from 1977-2014 of the American Pit Bull Terrier, and the Staffordshire Bull Terrier (breeds commonly referred to as pit bulls) are 86.8% and 90.7%, respectively. While 69.8% of Chihuahuas, 80.3% of Collies, 85.2% of Golden Retrievers, 84.1% of Jack Russell Terriers, 76.5% of Pomeranians, and 77.8% of Shih Tzus have passed.⁹² Although these statistics must be taken with a grain of salt, as they are simply average pass percentages of each breed, the high pass rates of the pit bull-type dogs is hard to ignore. Many breeds of dog which are commonly suggested as family-friendly dogs are out-performed by the pit bull.

A study conducted at the University of Pennsylvania in 2008, also uncovered some

⁹⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 74.

⁹¹ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2850.

⁹² American Temperament Test Society, Inc. (2014). *ATTS Breed Statistics*. <http://atts.org/>.

unexpected conclusions regarding the severity and frequency of breed aggression. This study measured the aggression of thirty three different breeds towards other dogs, owners, and strangers. While significant interbreed variation was present, it was Dachshunds, Chihuahuas, and Jack Russell Terriers who shows consistently high aggression towards all three targets. On the other hand, Rottweilers, Yorkshire Terriers, Doberman Pinschers, and Poodles displayed the most elevated level of stranger-directed aggression. Basset Hounds, Beagles, and Cocker Spaniels exhibited the highest degree of owner-directed aggressive behavior. And Akitas, Boxers, Australian Cattle Dogs, German Shepherds, and pit bulls were most commonly those who expressed aggression towards other dogs.⁹³

While many have credited the American Temperament Test Society for accurate and appropriate testing of dogs, still others criticize the test for testing only environmental and human stimuli, and neglecting the dog's reactions to other dogs. The American Kennel Club, however, offers a Canine Good Citizenship Test (CGC) in which the owner must train the dog specifically for the test, the dog must perform obedience commands, and the dog's reaction to other dogs is tested. The test has essentially concluded that pit bulls and other "dangerous" breeds are not any more aggressive or unsafe than any other breed when they are given the chance to live with a responsible owner.⁹⁴ In fact, all but one of the pit bulls who were seized from NFL player Michael Vick when he was convicted of a federal dogfighting conspiracy charge in 2007 have been re-homed⁹⁵, and some have obtained CGCs from the American Kennel

⁹³ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 858-859.

⁹⁴ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

⁹⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 162.

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Still, some have argued that regardless of the fact that many pit bulls may not have the propensity to attack, for those who do attack, the injuries sustained by victims are far worse than any other breed of dog. One theory behind this opinion is that it is impossible for pit bulls to let go after biting due to some kind of locking jaw mechanism which makes this type of dog more dangerous. However, according to Dr. I. Lehr Brisbin, Ph.D., Senior Research Ecologist at the University of Georgia's Savannah River Ecology Lab, “The few studies which have been conducted of the structure of the skulls, mandibles and teeth of Pit Bulls show that, in proportion to their size, their jaw structure and thus its inferred functional morphology, is no different from that of any breed of dog. There is absolutely no evidence for the existence of any kind of ‘locking mechanism’ unique to the structure of the jaw and/or teeth of the American Pit Bull Terrier.”^{97 98}

While no concrete evidence has been cited to prove the locking jaw theory, multiple professionals have completely discounted the idea. “Dr. Howard Evans (Professor Emeritus, College of Veterinary Medicine at Cornell University, Ithaca New York and author of the world’s definitive work on canine anatomy [*Anatomy of the Dog*]), in conjunction with Dr. Sandy DeLahunta, one of the foremost dog neurologist in the country, along with Dr. Katherine Houpt, a leading dog behaviorist wrote the following statement about the ‘locking jaw’ in Pit bulls: ‘We all agree that the power of the bite is proportional to the size of the jaws and the jaw muscles.

⁹⁶ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

⁹⁷ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

⁹⁸ Karen Delise, Janis Bradley, & Elizabeth Arps. (2013). *National canine research council. NCRC*. <http://nationalcanineresearchcouncil.com/>.

There is no anatomical structure that could be a locking mechanism in any dog.”⁹⁹ Despite the lack of scientific evidence though, the media has relentlessly reported on this alleged truth of locking pit bull jaws for decades, and widespread acceptance of this myth has only caused the pit bull panic to grow.¹⁰⁰

As if the locking jaws myth is not enough, pit bulls have also had to endure fears from the public due to myths regarding jaw strength. The media has exaggerated the jaw strength of pit bulls to be anywhere from 2,000-2,600 pounds per square inch (psi), which is three times that of a lion or a great white shark.¹⁰¹ However, after measurements conducted to determine the bite strength of pit bulls, German Shepherds, and Rottweilers, Dr. Randy Bar from the National Geographic Society has reported that dogs exert approximately 320 psi.¹⁰² Additionally, out of the three dog breeds that were tested, the American Pit Bull Terrier exerted the least amount of pressure.^{103 104 105}

“While these results seem within reason, bite force in animals is difficult to measure accurately. Variables which cannot be controlled include: the individual animal’s motivation to bite into a testing device and how hard the animal chose to bite. It is not possible to know if

⁹⁹ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 109.

¹⁰⁰ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 25.

¹⁰¹ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 30.

¹⁰² Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 860.

¹⁰³ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 186.

¹⁰⁴ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 112.

¹⁰⁵ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

animals are biting with full force or if a bite is inhibited. According to Dr. I. Lehr Brisbin of the University of Georgia: ‘To the best of our knowledge, there are no published scientific studies that would allow any meaningful comparison to be made of the biting power of various breeds of dogs. There are, moreover, compelling technical reasons why such data describing biting power in terms of ‘pounds per square inch’ can never be collected in a meaningful way. All figures describing biting power in such terms can be traced to either unfounded rumor or, in some cases, to newspaper articles with no foundation in factual data.’”¹⁰⁶ For example, author Karen Delise, founder of the National Canine Research Council describes an article written in 1989, by four medical doctors which describes the management of the injuries sustained by a child as a result of an attack by four pit bulls. The article states that pit bulls bite with a greater force than most dogs and it cites as a sole reference for this assertion a report which contains no information about pit bulls, biting force, or dog breeds.¹⁰⁷

In addition to measures of pounds per square inch, another study, conducted in 2008, measured the bite forces in Newtons (“N”) of twenty healthy dogs who were scheduled for euthanization. Before the dogs were euthanized, electrodes were used to stimulate the dogs to bite onto force transducers which were positioned at their canine teeth and molars. The highest recorded canine bite force came from a German Shepherd at 926 N, and the highest molar bite force was 3417 N, from a Labrador Retriever mix. A pit bull mix, in comparison, measured 896 N, and 1991 N at the canines and molars, respectively.¹⁰⁸

¹⁰⁶ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 112.

¹⁰⁷ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 111.

¹⁰⁸ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 861.

People in support of pit bull bans also tend to cite the history of the breeds commonly referred to as pit bulls as legitimate reasoning behind these ridiculous bans. Supporters and legislators alike often note the use of pit bulls in dog fighting, explaining that such dogs are inherently dangerous. However, it is worth noting that as a safety precaution, throughout the breed's history, even the most irresponsible breeders have encouraged a strong inhibition towards humans.¹⁰⁹ Pit bulls who show aggression towards humans are, at the very least not bred, and sometimes, even immediately destroyed by breeders. This is for multiple reasons, but especially in terms of dog fighting, in order to protect the safety of the handlers who need to separate dogs during a fight and for the protection of audiences watching a dog fight.¹¹⁰ So, in other words, essentially, while aggression towards dogs in pit bulls may be cultivated, the dogs are actually bred to be surprisingly human-friendly.

Many breeds of dogs have been bred for fighting, chasing, and even killing other animals, but the concern for human aggression has never become prevalent.¹¹¹ “In fact, the dog is the only animal in the world which can be expected to attack another being in defense of the humans with whom they have formed a bond. This behavior is one of the cornerstones on which thousands of years of dog ownership and maintenance have been based. And implied in this relationship is the expectation and acceptance of canine aggression in certain circumstances. The Greek philosopher Plato acknowledged this basic principle of canine behavior over two thousand years ago when he wrote: ‘The disposition of noble dogs is to be gentle with people they know and the

¹⁰⁹ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co).

¹¹⁰ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

¹¹¹ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 239.

opposite with those they don't know.' (The Republic, Ch. 2) From ancient Greek culture to newspaper accounts from the 19th century, humans have historically demonstrated a keen understanding of the essence of the familiar bond between dogs and their masters. Only recently have both the media and the public failed to acknowledge or recognize this basic principle of canine behavior and the significance of this bond in the display of canine aggression."¹¹²

Still, some will argue that while there is no concrete reason or evidence, pit bulls are simply more ferocious and dangerous than other dog breeds, and therefore it is fitting to ban them from communities. To discount this idea, the statistics of double human fatalities as a result of a single dog attack must be considered. While the majority of fatal strikes entail intense aggression, the violence and brutality of an attack by a dog resulting in the eternal rest of two human victims during an isolated incident would have to be absolutely supreme in nature and power. However, as Delise points out, over the last century, pit bulls and pit bull-type dogs have been responsible for zero of the fourteen reported double human fatalities due to dog attacks.¹¹³

Another argument which commonly comes from supporters of pit bull bans is that pit bulls show no warning signs before they attack, and they are more dangerous than other breeds of dog because they "turn" so quickly, without provocation.¹¹⁴ While humans may not always understand the verbal and behavioral cues that dogs give before they attack, they almost always exist. Sometimes, the ears of a pit bull are cropped and their tails are docked which can add to

¹¹² Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 2.

¹¹³ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 121.

¹¹⁴ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 117.

the difficulty of reading canine body language.¹¹⁵ While dogs with a history of dog fighting may have these body modifications to limit the number of places another dog can grab onto, owners may also choose to do this for aesthetic or health reasons, similar to tail-docking in other breeds of dog. In addition, owners of attacking dogs will often lie about a dog's history of aggression or the provocation which led to the dog's attack in order to limit their culpability.¹¹⁶ It is much more likely for a human to misrepresent facts than it is for a pit bull to overcome thousands of years of evolutionary development which has created a tendency towards socialization through body language and vocalizations.¹¹⁷

While opinion can play a factor into whether or not someone believes pit bull rumors, experience often plays a large role as well. If the average person has had no experience with pit bulls, it is not difficult to understand why they believe the myths reported in the media, as they are often backed up by politicians enacting breed-specific legislation. "Professionals, too, can have diametrically opposed viewpoints and opinions about Pit bulls. Police officers are more inclined toward encountering bad owners (criminals and their aggressively encouraged dogs) and often see only the 'bad' Pit bulls. Veterinarians often have a positive image of Pit bulls since in their profession they more frequently encounter these dogs in stressful situations (pain, fear, with strangers) and recognize the extreme tolerance found in Pit bulls."¹¹⁸

But it is professionals who have little to no experience with pit bulls whose advice,

¹¹⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 148.

¹¹⁶ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 117.

¹¹⁷ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 118.

¹¹⁸ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 107.

testimony, and conjured “facts” are used to perpetrate these discriminatory attacks against an innocent breed known as pit bull bans, or breed-specific legislation. “The 21st century media has introduced the public to a host of new canine experts: Kory Nelson (Denver, CO), Michael Bryant (Ontario, Canada), Virginia (Ginger) Rugai (Chicago, IL), Rep. Paul Wesselhoft (Moore, OK), and Peter Vallone Jr. (Astoria, NY). These “experts” can easily be found in newspaper articles discussing the history, anatomy, nature and temperament of the Pit bull. The only problem is all these ‘Pit bull experts’ have other full-time jobs—as politicians.”¹¹⁹ Astonishingly, these self-proclaimed experts have been able to acquire and master all of the information available about canine breeds; dog behavior; dog breed population statistics; pit bull history, temperament, anatomy, and aggression that has been compiled and studied for years by genuine full-time canine experts. Remarkably, they have also been able to ultimately conclude that the solution to ending dog bites and aggression is as simple as banning pit bulls from communities. However, as discussed earlier, breed bans have shown to be ineffective at reducing canine aggression.

¹¹⁹ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 104.

Chapter 5: HOUND HYSTERIA (Breed-ism as a Moral Panic)

“It is no mere accident that Pit bulls are labeled ‘different.’ It is also no small coincidence that Pit bulls are compared to sharks. This is a psychological ploy that has been used for centuries to disassociate or distance one being from others of its own kind in order to subjugate, abuse or annihilate them. With humans, color of skin, religion, sex, language, and country of origin have all been used at one time or another as the basis for categorizing the ‘inferiority’ or ‘differentness’ of another group of persons. Once a mental distancing or disassociation is accomplished, it ‘allows’ for abusive or atrocious behaviors to be visited upon these dissimilar beings.¹²⁰

Although pit bulls are not any more dangerous than any other breed of dog, legislation is continually passed to ban them from communities nationwide, and the public retains a distorted impression of these misunderstood dogs. This reality closely fits the model of moral panic theory. “[A]‘moral panic’ occurs when the official or press reaction to a deviant social or cultural phenomenon is ‘out of all proportion’ to the actual threat offered.”¹²¹ The term moral panic was originally coined by sociologist Stanley Cohen in 1972 in his book, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*.¹²² Cohen explains that once a valueless individual or group is publicly defined as evil, those in power have the moral right and even duty to eliminate the evil-doer(s).¹²³

¹²⁰ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 105.

¹²¹ John Springhall. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. (New York: St. Martin's Press), 4.

¹²² Stanley Cohen. 1972. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. (London: MacGibbon and Kee).

¹²³ Stanley Cohen. 1972. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. (London: MacGibbon and Kee).

Moral panics always involve a sudden rise in popular fear about a social group perceived to be threatening or deviant, and increased hostility towards that group, which is seen as a “folk devil”. These embodiments of evil become the target of a “moral crusade” led by politicians and others who amplify the fears surrounding them. These fears are almost always disproportionate, and they are distinct from automatic or spontaneous responses on the part of experts or the public to objective social conditions.¹²⁴

Many social phenomena fit the model of the moral panic concept. For example, author Scott A. Bonn argues that the Bush administration manipulated public approval for the invasion of Iraq by engineering a moral panic. He explains the method of elite construction of social problems and moral panics, asserting that the rhetoric and ideology of the power elite, in this case, President G.W. Bush, influences the public by way of mass media through framing, priming, and socially constructing reality to fit their interests. If we conceptualize the U.S. President as an agenda-setter, the war on Iraq can also be seen as an elite-engineered moral panic.¹²⁵

Further, Bonn draws upon Cohen’s concept of moral panic which is broken down to include five actors, and five essential criteria. The actors of a moral panic include: folk devils, politicians, law/rule enforcers, media, and the public. The essential criteria of a moral panic include: concern, consensus, hostility, disproportionality, and volatility. Both the actors and criteria analyzed can be used to explain breed-specific legislation (BSL) and pit bull bans as moral panics. The folk devils would be the actual pit bulls and their owners: the pit bulls

¹²⁴ Steve Macek. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. (Minneapolis: University of Minnesota Press), XIV.

¹²⁵ Scott A. Bonn. 2010. *Mass Deception: Moral Panic and the U.S. War on Iraq*. (New Brunswick, NJ: Rutgers University Press).

portrayed as vicious, dangerous, and deadly vermin, and their owners portrayed as lower-class, unemployed, and tattooed street gangsters. The politicians involved are those who write, sign, and advocate BSL; the enforcers include the court, police, and local government agencies who enforce BSL. The media involved includes the volume and language of reports of pit bull bites, attacks, and lack of the same news in terms of other breeds. Finally, the public are those who blindly believe that pit bulls are dangerous dogs and that they are rightfully banned in some communities.

The criteria of a moral panic begins with a legitimate concern, and in this case it is the concern of dog fighting and dog attacks or dog bites. The consensus of the public generally believes that these things are bad and need to be eliminated, and a hostility is developed towards pit bull owners who are judged for putting in others in danger for their seemingly irrational affection towards an allegedly vicious animal. Disproportionality occurs when reports about dog fighting, pit bull bites and pit bull attacks are plentiful and overemphasized, and other news stories such as a pit bull who saved a young child's life, or other fatal dog attacks which don't involve the pit bull breed. Last, reports of pit bull attacks seem to come in waves which have influenced public opinion and allowed success of extreme measures such as BSL. The volatility of these reports, or in other words, one month it is all you may hear about, and the next month there is zero news coverage regarding pit bulls, influences the quick legislation that typically occurs in terms of BSL.

Bonn goes on to use the war on Iraq as an example of a moral panic, explaining the paradox that while President G.W. Bush seemed to be fulfilling a moral obligation to society by

declaring war on Iraq, he was actually eliminating a nonobjective threat that he created.¹²⁶ In this same way, BSL supporters seem to be protecting the public and taking responsibility to protect citizens from dangerous dogs, when in reality, they are simply aiming to eliminate the nonobjective threat created by media and BSL supporters hand in hand.

Another example of a moral panic is described by the author of *Urban Nightmares* (2006), Steve Macek, who reveals the conservative strategy to consistently blame sufferers of the urban crisis for their plight, and analyzes the establishment of the central city as an object of middle class fear.¹²⁷ The argument he uses here is very similar to the idea of the pit bull as a victim of dog fighting, animal cruelty and discriminatory legislation. Instead of addressing the root of the real problems, conservative politicians construct the pit bull and its owners as the problem, and incite most of the middle class to fear them and be thankful for their bans and euthanasias. The author of this novel explains the fear of the urban city and the ways in which this fear has grown. He begins in the intro by describing a landscape of fear, introducing a quote from W.U. Wimsatt: “The cancer of fear has taken over. We have government by fear. We have a fear economy. We have a landscape of fear. We have a mass media that sells it.”¹²⁸ This quote is fitting, because it describes the tactics used by the media to sell the fear that has plagued our nation. This transaction has allowed moral panics such as the pit bull panic to flourish.

Macek acknowledges that fears generated during a moral panic are almost always disproportionate and that these fears are not automatic responses to objective social conditions.

¹²⁶ Scott A. Bonn. 2010. *Mass Deception: Moral Panic and the U.S. War on Iraq*. (New Brunswick, NJ: Rutgers University Press), 132.

¹²⁷ Steve Macek. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. (Minneapolis: University of Minnesota Press) 37.

¹²⁸ Steve Macek. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. (Minneapolis: University of Minnesota Press) VII.

Instead, he asserts that these are socially and culturally created problems and threats in particular contexts for specific purposes. “The whole practical aim of politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, most of them imaginary. -H.L. Mencken.”¹²⁹ In a similar way, the public has developed an exaggerated fear of a family dog which is reassured by the media. When politicians then introduce breed specific legislation, the public is accepting and affirming of the seemingly-appropriate measure. However, as established in the previous chapter, pit bulls are an more of an imaginary threat than politicians and media lead people to believe.

In addition, author John Springhall’s argument that gangsta-rappers or their recording companies are often scapegoats for bigger issues¹³⁰ also aligns similarly to the pit bull as a scapegoat for animal cruelty issues and the lack of an appropriate response to the problem. “New charges may be made, old ones dredged up and reformulated. In many cases a deviant category or stereotype already exists, but is latent and only activated at times of crisis or panic because secondary targets are needed to deflect attention away from some of society’s most pressing or insoluble problems”¹³¹. Here, the author describes the way in which something is seemingly “selected” for use as a scapegoat or distraction. This format of moral panic works similarly in my argument of pit bull bans. Because the poor, urban populous and their issues are not desirable, a moral panic is incited against the pit bull because there is a common (perhaps mis) conception that the majority of pit bull owners fall into this category. By using the pit bull as a scapegoat,

¹²⁹ Steve Macek. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. (Minneapolis: University of Minnesota Press), 37.

¹³⁰ John Springhall. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. (New York: St. Martin's Press), 150.

¹³¹ John Springhall. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. (New York: St. Martin's Press), 147.

the elite can attempt to force out the undesirable without actually having to do just that.

Springhall shows that the news media provides convenient targets such as the dangers of video games or the dangers of pit bulls, in order to distract from more serious dangers that have no easy remedy. The serious dangers that have no easy remedy in the case of the pit bull, include ceasing dog fighting, and keeping the public safe from dog attacks. While the pit bull is not a direct cause of either of these issues, he has been selected to represent these issues.

Pit bulls were not the first breed of dog to be attacked as the target of a moral panic, or breed-specific legislation. Bloodhounds, German Shepherds, and other breeds all faced fears due to a generated hysteria surrounding their dangers. But there has been more than just a substitution of one dog for another in the case of the pit bull. “Urbanization and the reach and power of our information technology has intensified the plight of the dogs called pit bull, and made it qualitatively different from that which any other dog had faced.”¹³² Pit bulls have sustained outrageous claims and myths, unlike the assaults on other breeds. “It has even been suggested that Pit bulls are no longer domesticated animals. Maquoketa, Iowa, has made it unlawful to keep certain animals. The list includes all types of wild and exotic animals from lions and baboons to hyenas. Pit bulls are included in the list between Piranha fish and the puma (mountain lion).”¹³³ Denver’s ban even criminalizes the burial of pit bulls.¹³⁴

While moral panic may explain the pit bull’s perception, the initiation of such hatred is difficult to pinpoint. Perhaps, “[w]hatever amuses the young for a price but does not appear to

¹³² Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), vii-viii.

¹³³ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 104.

¹³⁴ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

elevate public taste will invite criticism.”¹³⁵ Author Simon Hallsworth directly supports my thesis, arguing that a moral panic is what caused the *Dangerous Dogs Act* (1991) in Britain, which prohibited pit bull ownership. He asserts that “there was and is no evidence to support the case for canine killing through the indiscriminate blanket medium of breed specific legislation.”¹³⁶ Hallsworth begins his argument by explaining three widely publicized dog attacks on humans that occurred between 1990 and 1991. The first attack was fatal and involved a Rottweiler, the second two were not fatal but were attributed to pit bulls. He explains that the dog attacks caused pit bulls and their working class owners to be identified as folk devils, and demonic imagery portrayed the innocent animals as weapon dogs who were attacking communities. The pit bull soon morphed from a popular breed of dog owned by American families and used throughout U.S. history in marketing and media to sell products and stories, to being considered as criminal weapons, vermin, and scary jaw-locking monsters with unstable temperaments. This shift in view, allowed for the *Dangerous Dogs Act* in Britain which was created in record time of only six weeks and easily voted into law.

Within years of the act being passed, around 1,000 dogs were hunted and killed. Ownership, breeding, advertising and selling these dogs was criminalized. The burden of proof was reversed, and instead of the state having to prove that the dog was guilty of a crime, the owner had to prove beyond a reasonable doubt that their dog was safe to the public which is nearly impossible to do. The author explains that although the fear of dangerous dogs did decrease for many years, pit bulls are now subject to a second round of moral panic. This time,

¹³⁵ John Springhall. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. (New York: St. Martin's Press), 156.

¹³⁶ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 391.

pit bulls are portrayed as “a weapon of choice for gang members drug dealers and street corner thugs.”¹³⁷

“Media driven moral panics by their nature are fantasy production machines. As moral panic theory shows, they work to transform often innocuous incidents into events that provoke mass hysteria. Within them the atypical become normalized, the exception becomes the rule, and what is small and often insignificant assumes momentous importance.”¹³⁸ This description of a moral panic can be used to identify how one of man’s best friends in America became a demon in the eyes of the public by way of the media. Hallsworth includes in his analysis that a despised group of working class people are those who predominately own pit bulls which has contributed to their destruction.¹³⁹ Dog killing, and the legislation to support it has become part of a wider class war against the poor. People tend to fear moral decline and increasing violence in society, but it is difficult to target these negative elements of society directly. While drug lords and street gangs are hard to control, their alleged mascots, pit bulls, may be easier to control, through legislation.¹⁴⁰

“The stigma attached to pit bulls is not founded in logic, but in a tautology: pit bulls are dangerous because they are preferred by criminals; criminals prefer pit bulls because they are dangerous.”¹⁴¹ As author Kristen Swann notes, “Politically and emotionally, drugs were the galvanizing issue of the 1980s. Portrayed as a drug-dealing accessory, the pit bull became a

¹³⁷ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 395.

¹³⁸ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 400.

¹³⁹ Simon Hallsworth. (2011). “Then They Came For the Dogs!” (*Crime, Law and Social Change*), 55(5), 401.

¹⁴⁰ Judy Cohen & John Richardson. (2002). “Pit Bull Panic.” (*Journal of Popular Culture*), 36(2), 303.

¹⁴¹ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 845.

scapegoat of the decade's drug hysteria."¹⁴² Pit bulls have endured certain stereotypes about the types of people who own them for decades. The association is so strong that pit bulls are almost "a hallmark of poverty".¹⁴³ While there may be a fragment of truth in these stereotypes, because pit bulls are often used as security systems in low income areas without sufficient police protection, pit bulls are owned by many different types of owners. "Like other compact dogs, they are less expensive to maintain, but they communicate their warning to criminals 'a bit quicker than a miniature schnauzer.'"¹⁴⁴ Often, dog trainers and veterinarians will have pit bulls at home because they readily recognize their loyalty and charming personality. Popular television show personality and dog trainer Cesar Milan owns pit bulls and advocates for the end of prejudice surrounding the breed on his website.¹⁴⁵

Interestingly, some communities with pit bull bans even allow exemptions for pit bulls that are show dogs.¹⁴⁶ The expenses involved in competitively showing dogs, such as: training, grooming, special diets, registration fees, etc. cannot be ignored. Generally, impoverished people are not entering their dog at dog shows, instead, these competitions are dominated by the affluent populations of dog owners. This flaw in reasoning behind show dog exemptions exposes the true target of breed-specific legislation: the economically-disadvantaged owners.

"Such a panic would be rational if, in fact, Pit Bulls were as dangerous as the media

¹⁴² Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 844.

¹⁴³ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 864.

¹⁴⁴ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 864.

¹⁴⁵ Jon Bastian and Cesar Millan. (2014). *Cesar's Way*. Cesar Milan Inc. <http://www.cesarway.com/dogbehavior/basics/>.

¹⁴⁶ Kristen E. Swann. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." (*UMKC Law Review*. 78), 864.

portrayed.”¹⁴⁷ But as most animal organizations and professionals have asserted, pit bulls have no particular dangers in relation to other dogs.

¹⁴⁷ Judy Cohen & John Richardson. (2002). “Pit Bull Panic.” (*Journal of Popular Culture*), 36(2), 285.

Chapter 6: (UN)CONSTITUTIONAL CANINE CHAOS (Determining the Constitutionality of Breed-ism)

Breed-specific legislation is obviously unfair to many pit bull owners, but that does not necessarily make it unconstitutional. Constitutional challenges to pit bull bans have had both success and failure in the courtroom. “We would like to believe that our laws are passed based on scientific data, proven theories or the testimony and evidence provided by, if not the majority, at least a respectable number of experts or professionals. This has never been the case with breed specific-legislation or the decision by officials to ban or restrict particular breeds of dogs.”¹⁴⁸ Outdated information is commonly offered and relied upon as justification for upholding breed-specific laws. In addition, occasionally circular logic is used to confirm the danger out pit bulls. “Police officers evidence the breed’s hazardousness by testifying that they fire their weapons at pit bulls ‘more often than...at people and all other breeds of dogs combined.’”¹⁴⁹ This unfounded logic is behind the breed discriminatory legislation of many communities.

While many courtrooms have upheld breed-specific legislation, others have recognized the merits of BSL critics. The constitutionality of pit bull bans has been addressed in terms of procedural and substantive due process, and equal protection.¹⁵⁰¹⁵¹ Procedural and substantive due process is guaranteed by the 5th and 14th Amendments of the United States Constitution, and equal protection of the laws is guaranteed by the 14th Amendment. Whether or not a statute

¹⁴⁸ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 102.

¹⁴⁹ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 852.

¹⁵⁰ Rachel Blumenfeld. (2010). “Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting”. (*Sports Lawyers Journal*. 17), 17.

¹⁵¹ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2861.

will survive a substantive due process or an equal protection claim sometimes depends on the level or standard of review or scrutiny applied by a judge. Strict scrutiny is only applied when a law operates by classifying people into suspect categories or if the law implicates a fundamental right or interest.¹⁵²¹⁵³¹⁵⁴ Intermediate scrutiny, a heightened level of review which is not as stringent as strict scrutiny, is generally only used when a law discriminates on the basis of gender, and all other laws are analyzed on the basis of rational review.¹⁵⁵¹⁵⁶ “The substantive component [of the Due Process Clause of the Fourteenth Amendment] guards against arbitrary legislation by requiring a relationship between a statute and the government interest it seeks to advance.”¹⁵⁷

Because pit bulls have not been considered a suspect class, and dog ownership has not been considered a fundamental right, breed-specific laws are reviewed using rational scrutiny.¹⁵⁸ In order for a law to pass a rational review test, the governmental purpose must be considered legitimate, the means to achieve that goal must be reasonably related, and the challenger of the laws must prove that the purpose or means is otherwise. While there is no question that prevention of dog attacks or bites or even dogfighting is a legitimate goal pursued by

¹⁵² Devin Burstein. (2004). “Breed Specific Legislation: Unfair Prejudice & Ineffective Policy.” (*Animal Law*. 10), 318.

¹⁵³ Jonathan R. Shulan. (2010). “Animal Law-When Dogs Bite: A Fair, Effective, and Comprehensive Solution to the Contemporary Problem of Dog Attacks.” (*University of Arkansas at Little Rock Law Review* 32), 265.

¹⁵⁴ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2861-2862.

¹⁵⁵ Jonathan R. Shulan. (2010). “Animal Law-When Dogs Bite: A Fair, Effective, and Comprehensive Solution to the Contemporary Problem of Dog Attacks.” (*University of Arkansas at Little Rock Law Review* 32), 265.

¹⁵⁶ *Dias v. City & County of Denver*, 567 F.3d 1169 (3d Cir. 2009), 31.

¹⁵⁷ *Dias v. City & County of Denver*, 567 F.3d 1169 (3d Cir. 2009), 28.

¹⁵⁸ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2862.

governmental bodies, the point of contention is the process by which they attempt to achieve the goal.

Many courtrooms have analyzed pit bulls bans in terms of rationality, and most have determined that they are rational. However, in *Toledo v. Tellings* (2006) the Ohio sixth district appellate court ruled the city's breed-specific legislation unconstitutionally vague, declaring that it violated procedural due process because "subjective identification of pit bulls may often include both non-pit bulls or dogs which are not vicious, to the extent that an ordinary citizen would not understand that he was breaking the law and which would result in the occurrence of arbitrary arrests and criminal charges."¹⁵⁹ The court concluded, "...that both R.C. 955.22, 955.11 (A)(4)(a)(iii) and T.M.C. §505.14(a), which relied on the now disproved presumption that pit bulls, as a breed, are inherently dangerous, are unconstitutional since they lack a rational or real and substantial relationship to a legitimate governmental interest."¹⁶⁰ Unfortunately, the Supreme Court of Ohio reversed this ruling the following year, and relied on the outdated information provided by the city to justify their breed-discriminatory legislation.

However, even U.S. Third Circuit Court of Appeals Judge Lucero, recognized the merits of the argument that pit bull bans have no rational relationship to the goal of protecting the community, when he refused to grant summary judgement to a case which alleged a substantive due process claim against Denver's pit bull ban. The court held that the plaintiffs had standing to seek retrospective relief from injuries already caused, and that under a rational basis analysis they had alleged a substantive due process violation sufficient to survive a motion to dismiss for

¹⁵⁹ *City of Toledo v. Tellings*, 2006 Ohio 975 (Ohio: Court of Appeals, 6th Appellate Dist. 2006), 27.

¹⁶⁰ *City of Toledo v. Tellings*, 2006 Ohio 975 (Ohio: Court of Appeals, 6th Appellate Dist. 2006), 24.

failure to state a claim.¹⁶¹ Regrettably, the plaintiffs reached a settlement with Denver due to the time, costs, and stress associated with pursuing their case.¹⁶² It is difficult to agree that banning an entire breed is a rational way to achieve the goal of community safety especially when such bans have proven ineffective. A rational approach to community safety from dog bites would, instead, be a ban that excluded individual canines with a prior history of aggression or attacks.

Sadly, the majority of breed-specific legislation challenges do not prevail in court.¹⁶³ Yet, many approaches are taken by pit bull owners to dispute the constitutionality of pit bull bans. “Plaintiffs frequently challenge BSL regulations on the basis that they are vague and violate due process rights. Vague laws are unconstitutional because they can ‘trap the innocent’ by failing to provide adequate notice of what constitutes objectionable behavior...the average person must be able to tell whether his or her conduct is forbidden...”¹⁶⁴ Some pit bull owners have been able to successfully argue that statutes and ordinances banning their dogs are unconstitutionally vague because a pit bull is not a breed, and it may be difficult for owners to determine whether their dog is subject to the regulation.¹⁶⁵¹⁶⁶¹⁶⁷ In fact, Hunter, a dog in Aurora, Colorado was scheduled to be destroyed pending DNA confirmation that he was, in fact, a pit bull. Since his DNA test

¹⁶¹ *Dias v. City & County of Denver*, 567 F.3d 1169 (3d Cir. 2009).

¹⁶² Fred Kray. (2012). “Denver Breed Specific Legislation: History, Politics & News.” *Pit Bulletin Legal News Network Radio*. <http://www.blogtalkradio.com/pit-bulletin-legal-news>.

¹⁶³ Heather K. Pratt. (2004). “Canine Profiling: Does Breed-Specific Legislation Take a Bite out of Canine Crime?” (*Penn State Law Review* 108), 868.

¹⁶⁴ Heather K. Pratt. (2004). “Canine Profiling: Does Breed-Specific Legislation Take a Bite out of Canine Crime?” (*Penn State Law Review* 108) 862.

¹⁶⁵ Jonathan R. Shulan. (2010). “Animal Law-When Dogs Bite: A Fair, Effective, and Comprehensive Solution to the Contemporary Problem of Dog Attacks.” (*University of Arkansas at Little Rock Law Review* 32), 266.

¹⁶⁶ Rachel Blumenfeld. (2010). “Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting”. (*Sports Lawyers Journal*. 17), 18.

¹⁶⁷ Devin Burstein. (2004). “Breed Specific Legislation: Unfair Prejudice & Ineffective Policy.” (*Animal Law*. 10), 320.

found that he was only 50% pit bull, he was thankfully not destroyed.¹⁶⁸ Hunter's case shows that it can be quite difficult to determine breed simply based on a dog's looks.

“The arbitrariness of these ‘dangerous breed’ determinations cannot be overstated. Some breeds with no documented cases of severe or fatal attacks in the community (or even throughout the country) were banned. Some communities touted their breed bans to be a pre-emptive strike, banning an entire breed *before* it had a ‘chance’ to attack.”¹⁶⁹ Obviously in cases such as these, there is no rational relationship between the bans and the goal of protecting the community.

In addition, identifying a pit bull can be very subjective. “Even if genetic determinism were not flawed logic, the problem of accurately identifying dogs that carried the alleged dangerous pit-bull gene lingers. Pit bulls and their mixes vary widely, weighting anywhere from twenty-five (or fewer) to more than one-hundred pounds; they may have natural or cropped ears; and they may have coats that are brindled, spotted, or solid in any color.”¹⁷⁰ By entering into a search engine, “*find the pit bull*”, one is presented with many pit bull identification challenges which are difficult for anyone to accurately distinguish. “Breed identification of a mixed breed dog based on its phenotype is unscientific, and is likely to be contradicted by a DNA test. A study to be published in the *Journal of Applied Animal Welfare Science* points to a substantial discrepancy between visual identifications of dogs by adoption agency personnel and the breeds identified in the same dogs through DNA analysis. Of 16 mixed breed dogs labeled as being partly a specified breed, in only 25% of these dogs was that breed also detected by DNA

¹⁶⁸ Fred Kray. (2012). “Denver Breed Specific Legislation: History, Politics & News.” *Pit Bulletin Legal News Network Radio*. <http://www.blogtalkradio.com/pit-bulletin-legal-news>.

¹⁶⁹ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 103.

¹⁷⁰ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 854.

analysis.”¹⁷¹ Obviously, it is very difficult to determine a dog’s breed simply by looking at him or her, especially if the dog is a mixed breed. “Nevertheless, these unsound practices persist in breed-specific legislation as people find evidence of viciousness in a dog’s blocky head or tight-cheeked face.”¹⁷²

Breed-specific legislation challengers have also argued that pit bull bans are over-broad, reaching both dangerous and docile members of the target breed.¹⁷³ Some challengers have even attempted to dispute the laws as under-inclusive, arguing that the bans do not include enough aggressive dogs.¹⁷⁴

Besides constitutional challenges regarding vagueness and due process, pit bull owners have also asserted that pit bull bans violate the Equal Protection Clause of the Fourteenth amendment, “which mandates that ‘no State shall...deny to any person within its jurisdiction the equal protection of the laws.’ In other words, laws must treat all individuals in similar conditions and circumstances in the same manner.”¹⁷⁵ Pit bull owners have argued that bans excluding certain breeds of dog unfairly singles out some dog owners.¹⁷⁶ “Equal protection arguments forged by plaintiffs will likewise prove problematic because when there is no suspect class, the

¹⁷¹ Jane Berkey. (2009). “Dog Breed Specific Legislation: The Cost to People, Pets and Veterinarians, and the Damage to the Human-Animal Bond.” (*Seattle, Washington: Proceedings of Annual AVMA Convention*), 3.

¹⁷² Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 855.

¹⁷³ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2863.

¹⁷⁴ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2864.

¹⁷⁵ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2861.

¹⁷⁶ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2862.

constitutional test is one of rational relation...”¹⁷⁷ However, as author Kristen Swann asks, “When communities legislate against pit bulls, are they legislating against pit bull owners by proxy?”¹⁷⁸ As I pointed out in the previous chapter, there is some truth in the stereotype that pit bull owners are generally low-income individuals living in urban areas.¹⁷⁹ So perhaps, singling out these people with legislation banning their dogs can be considered targeting a suspect class. If so, strict scrutiny would apply to equal protection challenges, and a compelling governmental interest would be required with a narrowly tailored means to achieve the goal. While the safety of a community would likely serve as a compelling state interest, breed-specific legislation bans all dogs of a certain breed without meaningful reasoning and surely this would not pass strict scrutiny as a narrowly-tailored remedy.

Equal protection challenges also suffer because dog ownership is not considered a fundamental right.¹⁸⁰ However, throughout history there is evidence of the importance of the human-canine bond. Perhaps dog ownership should be considered a fundamental right. “[I]n the Garden of Eden every animal obeyed Man willingly. But we blew it, and after the Fall all the animals lived as they pleased and paid us no heed. Except for dogs, who liked comradeship and loyalty enough to give us another chance.”¹⁸¹ This relationship between dogs and humans can be considered important and necessary for many reasons. As author Bernard E. Rollin, Ph.D. points

¹⁷⁷ Heather K. Pratt. (2004). “Canine Profiling: Does Breed-Specific Legislation Take a Bite out of Canine Crime?” (*Penn State Law Review* 108), 870.

¹⁷⁸ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 863.

¹⁷⁹ Kristen E. Swann. (2010). “Irrationally Unleashed: The Pitfalls of Breed Specific Legislation.” (*UMKC Law Review*. 78), 864.

¹⁸⁰ Devin Burstein. (2004). “Breed Specific Legislation: Unfair Prejudice & Ineffective Policy.” (*Animal Law*. 10), 321.

¹⁸¹ Karyn Grey. (2003). “Breed-Specific Legislation Revisited: Canine Racism or the Answer to Florida’s Dog Control Problems?” (*Nova Law Review* 27), 416.

out, both Hurricane Katrina victims, and California wildfire victims refused to be rescued without their pets.¹⁸² If people are even willing to risk their own safety and lives for their dogs, this human-canine bond should be considered an essential right.

When considering if the human-canine bond should be considered a fundamental liberty interest triggering strict scrutiny, the court in *Dias v. Denver* stated, “we ask whether that interest is ‘deeply rooted in this Nation’s history and tradition’ and ‘implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if they were sacrificed.’¹⁸³ According to the American Pet Products Association, there are almost 75 million dogs in the United States, which is more than two times any other country in the world.¹⁸⁴ Dogs, including pit bulls, are used in law enforcement for search and rescue and drug sniffing,¹⁸⁵ and they are used in service and therapy as well. Even the Americans with Disabilities Act allows the use of pit bulls as service dogs.¹⁸⁶ Examining the uses and the sheer numbers of dogs in America, it is easy to see how the ownership of dogs has been deeply rooted in the history and tradition of the United States. If all Americans were prohibited from owning their dogs, surely liberty and justice could not be declared.

The *National Canine Research Council* provides more information on the benefits of living

¹⁸² Bernard E. Rollin, Ph.D. (2009). “Animal Ethics and Breed-Specific Legislation.” (*Journal of Animal Law*. 5), 6, 8.

¹⁸³ *Dias v. City & County of Denver*, 567 F.3d 1169 (3d Cir. 2009), 29.

¹⁸⁴ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 223.

¹⁸⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 277.

¹⁸⁶ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 279.

with dogs, and the history and importance of the human-canine bond.¹⁸⁷ “‘We are alone, absolutely alone on this chance planet: and, amid all the forms of life that surround us, not one, exempting the dog, has made an alliance with us.’ (Maurice Maeterlinck, 1862-1949).”¹⁸⁸ If strict scrutiny, or even intermediate scrutiny is applied to equal protection claims, surely pit bull bans and breed-specific legislation will not pass as a narrowly-tailored remedy to keep communities safe from dangerous dogs. The *Pit Bulletin Legal News Network*, managed and authored by attorney Fred Kray has compiled some legal cases which have made various successes in fighting breed-specific legislation in the United States.¹⁸⁹

Unfortunately for pit bulls and their owners, constitutional challenges to breed-specific legislation rarely endure the court system. Breed-specific legislation and pit bull bans persist often, despite their unfairness and arguably unconstitutional nature. There are, however, better ways to keep communities safe from dog fighting and dog attacks that do not involve banning dog breeds.

¹⁸⁷ Karen Delise, Janis Bradley, & Elizabeth Arps. (2013). *National canine research council. NCRC*. <http://nationalcanineresearchcouncil.com/>.

¹⁸⁸ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 171.

¹⁸⁹ Fred Kray. (2012). *Pit Bulletin Legal News*. <http://legal.pblnn.com/>.

Chapter 7: FIXING THE FIDO FIASCO (Education, Not Legislation)

There are many alternatives to breed-specific legislation, that are not only more effective, but fair and appropriate solutions to keeping communities safe from dog attacks and dog fighting. Education for the entire public, especially including dog owners, will help to encourage responsible ownership and dog safety. According to Cesar Millan, “ending prejudice begins with education.”¹⁹⁰ While education must remain a primary goal, legislation that is designed to protect the public from dangerous dogs should strive to reach a fair balance between protection of the community and respecting the rights of responsible dog owners.¹⁹¹

“Despite the low level of care and control so often demonstrated by many dog owners, it remains an exceptional feat that dogs continuously display an amazing level of tolerance and kindness towards humans. We owe them the same in return.”¹⁹² Education programs which allow owners to learn how to properly train and socialize their dog will likely prove effective. “Even homeowners insurance companies have recognized the benefits of training dogs, and companies such as State Farm have enacted dog training and education programs, a result of which has been a decreased filing of dog bite claims.”¹⁹³ Communities must also educate dog owners and parents about the significant dangers of leaving young children unattended with dogs of any breed.¹⁹⁴

Children must also be taught not to approach unfamiliar dogs; not to run and scream from a dog;

¹⁹⁰ Jon Bastian and Cesar Milan. (2014). *Caesar's Way*. Caesar Milan Inc. <http://www.cesarsway.com/dogbehavior/basics/>.

¹⁹¹ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2883.

¹⁹² B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 227.

¹⁹³ Rachel Blumenfeld. (2010). “Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting”. (*Sports Lawyers Journal*. 17), 19.

¹⁹⁴ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1309.

to ignore unfamiliar dogs who approach them; to cover their heads and stay still if knocked over by a dog; to avoid direct eye contact with dogs; and to refrain from disturbing dogs who are eating, sleeping, or caring for puppies.¹⁹⁵ Author Jonathan R. Shulan cites a study which determined that almost every fatal attack on adults in 2008 happened in a low-income city or county.¹⁹⁶ Perhaps lower levels of education have contributed to poor ownership and training practices which have led to unsafe dogs. Educating the public will help to create safer dogs, safer owners, and safer interactions with dogs. Appropriate containment of all dogs should also be mandated by law.^{197 198}

One step to fixing the problem is tougher enforcement of animal abuse statutes and dogfighting laws that target the humans participating in the practice.¹⁹⁹ “Because of the difficulty in uncovering dogfighting rings, cooperation between authorities and the community is crucial.”²⁰⁰ Authorities must receive more education and resources to help them combat dogfighting and animal abuse. As author Valerie Wright contends, it is the certainty of punishment, rather than the severity of punishment that is more likely to produce deterrent

¹⁹⁵ B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 183.

¹⁹⁶ Jonathan R. Shulan. (2010). “Animal Law-When Dogs Bite: A Fair, Effective, and Comprehensive Solution to the Contemporary Problem of Dog Attacks.” (*University of Arkansas at Little Rock Law Review* 32), 269.

¹⁹⁷ Devin Burstein. (2004). “Breed Specific Legislation: Unfair Prejudice & Ineffective Policy.” (*Animal Law*. 10), 327.

¹⁹⁸ Safia Gray Hussain. (2006). “Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won’t Solve The Dangerous-Dog Dilemma.” (*Fordham Law Review*. 74), 2877.

¹⁹⁹ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1304.

²⁰⁰ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1316.

benefits.²⁰¹ “Society has spent irretrievable years blaming the victims-innocent souls who have been sold and forced into these violent, cruel and illegal activities. Who exactly are the monsters here?”²⁰² We must punish the criminal acts of violence against animals appropriately and stop blaming pit bulls and other breeds for human-created issues.

Another approach to keeping communities safe is to educate the public on the importance of neutering and spaying their pets. It may even be appropriate to mandate altering dogs due to the fact that unaltered dogs are much more likely to bite²⁰³ and that “...there is little reason outside of legitimate breeding purposes not to spay or neuter one’s dog.”²⁰⁴ According to the *National Canine Research Council*, 94% of dogs involved in fatal dog attacks in 2006 were unaltered.²⁰⁵ If communities provided incentives, such as a discounted registration or license, likely more people would get their canines fixed. Allocating government funding to veterinarians or animal clinics who provide free or inexpensive sterilization for dogs would be a great way to ensure that those who cannot afford sterilization still have access to it.

Until we successfully address the human behaviors that contribute to dog aggression, dog attacks will not cease. “Even if the breed is successfully eradicated, breeders, fighters, and irresponsible owners will develop aggressive traits in another breed and mistreat those dogs until they are unstable and unsafe. The breed responsible for the highest number of attacks will

²⁰¹ Valerie Wright. (2010). “Deterrence in Criminal Justice: Evaluating Certainty Versus Severity of Punishment.” *The Sentencing Project*. <http://www.sentencingproject.org>.

²⁰² B.G. Boucher. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. (New York: Puffa & Co), 147.

²⁰³ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1308.

²⁰⁴ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1308.

²⁰⁵ Karen Delise, Janis Bradley, & Elizabeth Arps. (2013). *National canine research council. NCRC*. <http://nationalcanineresearchcouncil.com/>.

change, but the number of attacks will not.”²⁰⁶ Evidence has shown that if pit bulls are banned, other large and strong breeds grow in popularity.²⁰⁷ As Rollin points out, there is nothing wrong with laws that restrict dangerous dogs, which have demonstrated uncontrolled aggressive behavior, but owners must be punished rather than simply destroying their dogs.²⁰⁸

While there are many instances of relentless and ridiculous breed-specific legislation, there are some statutes which have offered promising signs in the fight against pit bull bans. Twelve states have currently prohibited the passage of BSL.²⁰⁹ In addition, New Jersey S1310 is a bill currently being reviewed by the state legislature which will prohibit insurance companies from refusing to issue, canceling, or not renewing a policy based on the presence of any dog, regardless of breed.²¹⁰ If passed, this bill will prohibit most discriminatory practices by insurance companies who will now be forced to cover dogs in their policies. However, the insurance companies will be allowed to charge different rates based on the presence of a dog.

“To address fatal attacks as a Pit bull-specific problem invalidates the hundreds of deaths caused by other dogs. This approach renders any lessons we may have learned from all non-Pit bull attacks useless or of no intrinsic value in the understanding of canine aggression. There are lessons to be learned from all fatal attacks—lessons which can only be gleaned from examination

²⁰⁶ Jamey Medlin. (2007). “Pit Bull Bans and the Human Factors Affecting Canine Behavior.” (*DePaul Law Review*. 56), 1311.

²⁰⁷ Rachel Blumenfeld. (2010). “Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting”. (*Sports Lawyers Journal*. 17), 18.

²⁰⁸ Bernard E. Rollin, Ph.D. (2009). “Animal Ethics and Breed-Specific Legislation.” (*Journal of Animal Law*. 5), 14.

²⁰⁹ Libby Sherrill. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. (United States: Screen Media Films).

²¹⁰ Jackie Fitzgerald & J. Thomas. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

of all the available data, not just the cases which involve a single breed.”²¹¹ Breed-specific legislation is not only ineffective, but unfair as well because it ignores the human factors that contribute to canine aggression, and it singles out a particular breed which is no more dangerous than any other dog breed. The hysteria that continues to provoke unethical breed-specific legislation and pit bull bans fits into the model of moral panic theory. Upon analyzing the factors contributing to the media-driven frenzy, and examining the irrational and unreasonable legislation passed, one can easily conclude that pit bull bans and breed specific legislation are unconstitutional, ineffective, and a form of moral panic.

²¹¹ Karen Delise. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. (United States: Anubis Publishing), 123.

Bibliography

American Temperament Test Society, Inc. (2014). *ATTS Breed Statistics*. <http://atts.org/>.

The American Temperament Test Society, Inc. is a national not-for-profit organization (registered in the state of Missouri) for the promotion of uniform temperament evaluation of purebred and spayed/neutered mixed-breed dogs. ATTS was established to provide a uniform national temperament test for purebred and spayed/neutered mixed-breed dogs. The first test was held in 1977, and since then the average pass rate for all dog breeds is now 83 percent. ATTS holds seminars to distribute information to dog owners, breeders and evaluators (testers) concerning dog psychology, motivations, reactions and other aspects of temperament testing. The society also recognizes and awards certificates to dogs that pass the requirements of the temperament evaluation.

ASPCA (2014). *Breed specific legislation*. <http://www.aspca.org/>.

The American Society for the Prevention of Cruelty to Animals (ASPCA) was the first humane organization in the Western Hemisphere, and is currently one of the largest in the world. Founded in 1866, by Henry Bergh, this not-for-profit organization works to rescue animals from violence, pass humane laws, and share support with shelters nationwide. This article on ASPCA's website explains breed-specific legislation (BSL), and declares that these types of laws are ineffective and expensive. The authors rely on information from the United States Centers for Disease Control (CDC) which contribute no support for BSL. The article suggests alternatives to BSL, including breed-neutral laws which would hold dog owners accountable for the actions of their animals.

Bastian, Jon & Millan, Cesar. (2014). *Cesar's Way*. *Cesar Milan Inc*. <http://www.cesarsway.com/dogbehavior/basics/>.

Authors Jon Bastian and Cesar Millan have established this website in order to educate the public about dog behavior and the basics of dog training. Bastian traces the possible history of pit bull type dogs from Greece or England to the rest of Europe, and then to the New World. He explains the early perceptions of pit bulls in America as trust worthy and reliable animals. For over a hundred years, dog owners were held personally responsible which prevented dog attacks. But over the last thirty years, anti-pit bull hysteria has caused what animal control officers consider "canine racism". As Bastian points out, "...it only takes a brief look at the history of pit bulls to realize that the dogs are not the problem; the humans who misuse them are." Cesar Millan, who owns pit bulls, explains that "...ending prejudice begins with education."

Berkey, Jane. (2009). "Dog Breed Specific Legislation: The Cost to People, Pets and Veterinarians, and the Damage to the Human-Animal Bond." *Seattle, Washington: Proceedings of Annual AVMA Convention*, 1-5.

Author Jane Berkey is president of the Animal Farm Foundation, Inc. which is a not-for-profit corporation that has been rescuing and re-homing animals, as well as making grants to other humane organizations, since the mid-1980's. The organization's resources are dedicated to securing equal treatment for pit bull-type dogs. Whether the dog is called a pit bull because of its genotype or phenotype, recognizing human responsibility is an integral step toward a compassionate future for all dogs. Veterinarians, their clients, and their clients' pets in 300 cities and towns in the United States live with special burdens and added costs because of ordinances banning or restricting dogs of one or more breeds and breed mixes. Thirty-six breeds of dogs and mixes of those breeds have been restricted, in various combinations and groupings. This article analyzes these restrictions and bans which compromise the human-canine bond.

Blumenfeld, Rachel. (2010). "Dog Baiting Abatement: Using Nuisance Abatement to Regulate Dogfighting". (*Sports Lawyers Journal*. 17), 1- 27.

This author examines the history of dogfighting, and the dangers to society. She analyzes the current approaches to regulating dogfighting in regard to their efficacy, and she considers public nuisance abatement as an effective solution to controlling dogfighting.

Bonn, Scott A. 2010. *Mass Deception: Moral Panic and the U.S. War on Iraq*. New Brunswick, NJ: Rutgers University Press.

This book begins by introducing the concept of a moral panic and the author goes on to explain how the U.S. war on Iraq fits the model of this concept. The author argues that the Bush administration manipulated public approval for the invasion of Iraq by engineering a moral panic. He explains the method of elite construction of social problems and moral panics asserting that the rhetoric and ideology of the power elite (in this case, President G.W. Bush) influence the public by way of mass media through framing, priming, and socially constructing reality to fit their interests. The author draws upon Cohen's concept of moral panic which is broken down to include five actors, and five essential criteria. The actors of a moral panic include: folk devils, politicians, law/rule enforcers, media, and the public. The essential criteria of a moral panic include: concern, consensus, hostility, disproportionality, and volatility. Both the actors and criteria analyzed can be used to explain breed specific legislation (BSL) and pit bull bans as moral panics. The largest criticism of the author's evidence is that the elite-engineered model of moral panic does not apply to the war on terror. This criticism relies on the basis that without the terror attacks of 9/11, the Bush administration would not have been able to instill the fear needed to create this panic, and therefore it is not solely an elite-engineered moral panic.

Boucher, B. G. 2011. *Pit Bulls: Villains or Victims? Underscoring Actual Causes of Societal Violence*. New York: Puffa & Co.

The main point this author conveys with this work is that despite the many instances of violence towards dogs in general, and pit bulls more specifically, there are few instances of violence initiated by pit bulls and dogs in general towards their aggressors. The history of the pit bull type of dog is traced from a popular advertisement all-American go-to dog, to the morphed image of a monster in the early 1980s. Media sensationalism is proposed as a cause for this drastic change in view, and Boucher explains that we often tend to see the news media as a neutral force, when in actuality, it is custom for these sources to exchange objective reports for passionate portrayals in order to compete with exciting television shows. The authors reminds us that news media sources are corporate enterprises simply attempting to lure potential customers through commonplace fears of crime and violence. The arguments presented are consistent with moral panic research and the direct connection to the media as a facilitator.

Bradley, Janis. 2005. *Dogs Bite: But Balloons and Slippers Are More Dangerous*. Berkeley, CA: James and Kenneth Publishers.

Although only one in every 5 million dogs kills someone, author Janis Bradley explains that it is the rare events that make headlines, which is why dog attacks seem more common. Former college administrator and teacher, Bradley is now an instructor at the San Francisco Society for the Prevention of Cruelty to Animals Academy for Dog Trainers where she helps students to prepare for a career as a professional dog handler. While noting that a bicycle, marbles, a 5-gallon bucket, a Christmas tree, and a baseball, among other things are all more likely to kill you than your dog, Bradley notes that no breed bites any more than others. The author also explains her opinion that BSL is ineffective.

Burstein, Devin. (2004). "Breed Specific Legislation: Unfair Prejudice & Ineffective Policy." *Animal Law*. 10, 313-360.

The author's argument begins with a connection to the media, which is very similar to most other arguments about moral panics and pit bull studies. He explains that although breed specific legislation is not practical, sensible, or just, it is upheld consistently as constitutional because it must only pass a minimum scrutiny analysis. He presents the arguments however, that pit bull bans are unconstitutionally vague, in addition to being in violation of substantive due process and equal protection. While pit bulls are not a suspect class, the author fails to draw the connection that targeting an owner of a specific type of dog could be considered suspect especially if the statistics of ownership show that a majority of pit bulls are owned by lower-class individuals, or individuals of a targeted racial category. The author does point to the fact that some constitutional challenges based on vagueness have had success. The article proposes that breed-specific legislation has created a false sense of security, and that a better approach to controlling dangerous dogs is to hold owners accountable for the actions of their canines, and to effectively enforce laws to promote general canine safety such as requiring appropriate containment.

Campbell, Dana M. (2009). "Pit Bull Bans: The State of Breed-Specific Legislation." *American Bar Association General Practice, Solo & Small Firm Division: Animal Law*, 26(5).

This article appears in a magazine publication by the American Bar Association. While the contents of the magazine do not necessarily represent the views of the association, the articles are written by well-respected members of the legal profession. In addition to providing legal work for the Animal Legal Defense Fund, author Dana M. Campbell has a solo practice which focuses on animal law and employment rights. She also teaches animal law at Cornell Law School. In this work, Campbell cites multiple national animal organizations which all oppose BSL, and she explains many studies which have concluded that BSL is ineffective.

Centers for Disease Control and Prevention. (2013). *Dog bites*. CDC. <http://www.cdc.gov/>.

In addition to stating that any breed of dog can bite and many breeds can cause great injury, the CDC also outlines the special risk of children around dogs. Advice is given to prevent dog bites, and basic safety tips are listed to encourage responsible dog ownership.

City of Toledo v. Tellings, 2006 Ohio 975 (Ohio: Court of Appeals, 6th Appellate Dist. 2006)

This case was eventually reversed by the Supreme Court of Ohio, however, the opinion is useful because it agrees that there is no statistical evidence that pit bulls bite more frequently than some other breeds of dogs. The court in this case ruled BSL unconstitutional because it violated due process, and the opinion notes that there is no rational relationship between banning pit bulls and protecting the community.

Cohen, Judy & Richardson, John. (2002). "Pit Bull Panic." *Journal of Popular Culture*, 36(2), 285-317.

This author directly connects the public opinions of pit bulls to media influence by way of examining people's perceptions to pit bulls, attitudes towards breed-specific legislation, and whether variables such as media, press, and news coverage affect these attitudes or perceptions. The author argues that because the media often conveys inaccurate information through subtle implications, and also often fails to offer critical analyses of the facts they present, the public can be misled to believe that pit bulls are dangerous, despite their positive experiences with the breed. The author does present information, however, supporting the argument that people's perceptions about pit bulls are not as negative as the media assumes, despite consistently negative portrayals in media coverage.

Cohen, Stanley. 1972. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London: MacGibbon and Kee.

Stanley Cohen is widely cited as the author who has coined the term “moral panic” and originally described it in depth. Cohen explains a moral panic as a type of hysteria initiated by “moral entrepreneurs and right thinking people” and instigated by the mass media. For a public frenzy to be considered a moral panic, the fears generated and the perceived risk must greatly outweigh any real or true risk or danger involved with the item in question.

Dias v. City & County of Denver, 567 F.3d 1169 (3d Cir. 2009).

In this case, the plaintiffs had sued to challenge a Denver, Colorado ordinance banning dogs known as pit bulls. Their challenges were based on the assertion that the ordinance was unconstitutionally vague and violated the Equal Protection Clause of the Fourteenth Amendment and due process. A United States district court dismissed the case, but the plaintiffs appealed and the U.S. Court of Appeals for the 10th Circuit denied summary judgement because the plaintiffs had alleged facts sufficient to state a claim for relief.

Delise, Karen. 2007. *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression*. United States: Anubis Publishing.

Author Karen Delise, who founded the National Canine Research Council in order to preserve the relationship between humans and their dogs, advocates for education about canines in order to better understand our own interactions with them. She argues that the media plays a large role in painting an image of a dangerous animal, and she tracks the moral panics waged against previously targeted breeds and compares them to the battle faced by the pit bull today. The author concentrates on Stanley Cohen’s idea of a moral panic which occurs when society creates or invents “folk devils” as a result of impressions gained through a media filter.

Delise, Karen; Bradley, Janis; & Arps, Elizabeth. (2013). *National canine research council. NCRC*. <http://nationalcanineresearchcouncil.com/>.

This website provides information on responsible pet ownership in an attempt to preserve the human-canine bond. The authors have included resources for police, a list of publications, updates on dog legislation, and breed identification.

Fitzgerald, Jackie & Thomas, J. (2012). *For the Record. Stop BSL*. <http://stopbsl.org/fortherecord/>.

This article dispels some common myths about pit bulls in attempt to halt discriminatory, ineffective, and unsafe legislation. The authors cite the Canine Good Citizenship Test as a test

which essentially concludes that pit bulls and other “dangerous” breeds are not any more dangerous or unsafe than any other breed when given the chance to live with a responsible owner. Stop BSL’s goals include educating the public about safe, humane, and responsible treatment of dogs as well as enhancing public communication and knowledge about breed-specific legislation. This website offers a single access point for news articles and legal updates regarding BSL. Specifically, New Jersey S1310 is explained as a bill that has been introduced in NJ’s legislature which, if passed, will forbid insurance companies from canceling, not renewing, or refusing to issue homeowner’s insurance simply because of a dog kept within the home.

Godfrey, Lisa F. (2013). “Why Breed-Specific Legislation Doesn’t Work.” *The Humane Society of The United States*. <http://www.humanesociety.org/>.

Author Lisa F. Godfrey explains The Humane Society of The United States’ (HSUS) opposing position to breed-specific legislation. The article notes that while ineffective at reducing dog bites as well as ineffective at promoting public safety, these laws are costly and harm communities, families, and dogs. This article relies on information from the American Veterinary Medical Association, which concludes that no breed of dog is any more dangerous than another. The author explains that BSL is nearly impossible to enforce, and identification of breeds is often subjective and unreliable.

Grey, Karyn. (2003). “Breed-Specific Legislation Revisited: Canine Racism or the Answer to Florida’s Dog Control Problems?” *Nova Law Review* 27, 415-449.

This author, a J.D. Candidate with a B.A. in Political Science and International Affairs refers to breed-specific legislation as canine racism. She examines the human-canine bond that has existed for years. In addition, she examines the constitutional challenges to BSL in terms of vagueness, equal protection, due process, police power, and overbreadth. She asserts that if pit bulls are outlawed, other breeds of dog will be trained to fight until we address the human aspects of dogfighting. She also claims that allowing BSL will open pandora’s box, and too much power will be given to local governments to ban whatever they deem dangerous. She suggests training and regulation of dog breeders as alternatives to breed bans.

Hallsworth, Simon. (2011). “Then They Came For the Dogs!” *Crime, Law and Social Change*, 55(5), 391-403.

The main point the author makes in this article is that a moral panic is what caused the *Dangerous Dogs Act (1991)* in Britain. Hallsworth explains that three dog attacks occurring in 1990-1991 caused pit bulls and their working class owners to be identified as folk devils, and demonic imagery portrayed the innocent animals as weapon dogs who were attacking communities. The author includes in the analysis that a despised group of working class people are those who predominately own pit bulls which has contributed to their destruction. Dog killing and the legislation to support it has become part of a wider class war against the poor.

This article also supports the notion that these pit bull bans are ineffective providing evidence such as consistent human fatality rates due to canines. The amount of money spent on enforcing such legislation and the targeting of responsible owners is also accurately criticized.

Hussain, Safia Gray. (2006). "Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve The Dangerous-Dog Dilemma." *Fordham Law Review*. 74, 2847-2887.

This author presents the argument that breed-specific legislation, while it may be deemed constitutional, must be evaluated in terms of effectiveness, statistical evidence, enforcement costs, and available resources. He urges that legislation intended to reduce canine bites and attacks must balance the protection of society from dangerous dogs with the rights of responsible dog owners. Hussain discounts breed-specific legislation and pit bull bans showing that they are inefficient and ineffective and asserts that dangerous-dog laws and felony punishments for dog fighting are better goals. Similar to other authors, the author yearns to place blame and responsibility on the owners, rather than the animals.

Kray, Fred. (2012). "Denver Breed Specific Legislation: History, Politics & News." *Pit Bulletin Legal News Network Radio*. <http://www.blogtalkradio.com/pit-bulletin-legal-news>.

Attorney Fred Kray and his co-host Jo Staats discuss Denver's Breed Specific Legislation with their guest Sonya Dias, the Plaintiff in *Dias v. The City of Denver*. Dias discusses the success of her case, and her decision to settle with Denver. Don Cleary also visits, to discuss the "rational basis" of BSL.

Kray, Fred. (2012). *Pit Bulletin Legal News*. <http://legal.pblnn.com/>.

This website, authored by attorney Fred Kray, organizes information regarding breed specific legislation. The author has compiled legal cases which have made various successes in fighting breed specific legislation in the United States.

Macek, Steve. 2006. *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City*. Minneapolis: University of Minnesota Press.

The author of this novel explains the fear of the urban city and the ways in which this climate of fear has grown. He acknowledges that fears generated during a moral panic are almost always disproportionate and that these fears are not automatic responses to objective social conditions. Instead, the author argues these are socially and culturally created problems and threats in particular contexts for specific purposes. Macek uncovers the conservative tactic to consistently blame victims of the urban crisis for their plight, and analyzes the conservative construction of the central city as an object of middle class fear. The argument he uses here is very similar to the

idea of the pit bull as a victim of dog fighting and animal cruelty. Instead of addressing the root of the real problem, conservative politicians construct the pit bull as the problem, and incite most of the middle class to fear them and be thankful for their bans and euthanasias. In contrast, it has been argued that it is effective to target the urban poor because it helps to eliminate overall crime. The author discusses Police chief William Bratton, and New York City Mayor Rudy Giuliani's attempt to more seriously enforce very minor crimes, which actually led to a decline in crime.

Medlin, Jamey. (2007). "Pit Bull Bans and the Human Factors Affecting Canine Behavior." *DePaul Law Review*. 56, 1285-1319.

Author Jamey Medlin discusses both the support and the opposition to breed bans in the United States. Various approaches to banning or restricting pit bulls are analyzed, and concerns related to human behavior and genetics are examined from both supporting and opposing stances. The reasons behind breed-specific legislation are addressed and the human factors that may contribute to the problem of dog aggression are also investigated.

Patronek, Gary J.; Slater, Margaret; & Marder, Amy. (2010). "Use of a Number-Needed-to-Ban Calculation to Illustrate Limitations of Breed-Specific Legislation in Decreasing the Risk of Dog Bite-Related Injury." *Journal of American Veterinary-Medical Association (JAVMA)*. 237(7): 788-792.

This American Veterinary-Medical Association survey analysis concludes that no group of dogs should be considered disproportionately dangerous. The authors of this JAVMA analysis, two veterinary epidemiologists and a veterinary behaviorist, developed their model based upon dog bite reports from various localities across the United States, as well as dog bite-related injury data obtained from the Centers for Disease Control and Prevention (CDC).

Plato in Cooper, David. 1997. "The Republic: Book X." *Aesthetics, The Classic Readings*. New York: Blackwell.

In Plato's Book X, Socrates banishes poets from the city, for multiple reasons. The first reason is because they pretend to know things that they truly know nothing about. The second reason is that they imitate the irrational parts of the soul, which diverts energy from the rational parts. The last reason is that poetry can corrupt the most pure of all souls. Socrates warns of the dangers of letting poetry affect one's own political values. Today, this warning is similar to warnings about the dangers of media.

Pratt, Heather K. (2004). "Canine Profiling: Does Breed-Specific Legislation Take a Bite out of Canine Crime?" *Penn State Law Review* 108, 855-880.

This J.D. candidate analyzes breed-specific legislation in this work, assessing its constitutionality and analyzing the attempts to fight it in court. The author also examines BSL in the private sector, noting airline industries and insurance carriers as types of companies which have banned certain breeds of dogs. While the author contends that it will be unlikely for a pit bull owner to successfully challenge BSL on unconstitutional grounds, she also addresses some alternative to BSL. The author concludes that the focus should be placed on owners, rather than individual dogs in order to combat dog safety issues.

Rollin, Bernard E., Ph.D. (2009). "Animal Ethics and Breed-Specific Legislation." *Journal of Animal Law*. 5, 1-14.

This article appears in Michigan State University College of Law's Journal of Animal Law. The article contains a conceptual overview of the ethics of breed-specific legislation. It also asks whether it is appropriate to regulate animals based on their breeds, rather than on their individual conduct. The author relies on a few supporting facts, but mostly moral reasoning to suggest that breed-specific legislation is unethical.

Sacks, Jeffrey J. et al. (2000) Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998. *Journal of the American Veterinary Medical Association*. 217: (6), 836-840.

This article is a CDC report that appeared in the Journal of The American Veterinary Medical Association which drew some conclusions about the breeds of dogs involved in fatal human attacks. If the article is read in its entirety, the concluding remarks state that human fatal attacks are so rare that the statistical information gathered is irrelevant. The authors also note that in order to accurately conclude that one breed of dog is more dangerous than another, one would need to approximate the current total number of the breed's population, which is near impossible. Nevertheless, this article is often cited to back up the argument that pit bulls are more dangerous than other breeds of dog.

Sanders, Jay & Anderson, Laurie. (2013). "The Artist as Media." *Art In America* 101, (10), 122-127.

This article is a response to author Craig Owens' critique of Laurie Anderson's artistic works. Owens asserts that our experiences of the world are comprised mostly of the representations that we have made of it. Laurie Anderson's response includes a challenge for writers and performers to understand and know *who* they are talking to.

Sherrill, Libby. (Writer/Producer/Director). (2012). *Beyond the Myth: A Film About Pit Bulls and Breed Discrimination* [Documentary]. United States: Screen Media Films.

This documentary exposes the harsh realities experienced by pit bull owners due to flawed legislation that targets responsible ownership rather than the dangerous proliferation of dog fighting and irresponsible dog ownership and abuse. Similar to most pit bull-focused arguments, the media is addressed as a contributor to the hazardous negative stereotypes about these loving animals. This documentary also focuses on the past and present legal battles regarding breed-specific legislation, and presents the argument that education in place of legislation will be more effective and appropriate to eradicate dog fighting and animal abuse everywhere.

Shulan, Jonathan R. (2010). "Animal Law-When Dogs Bite: A Fair, Effective, and Comprehensive Solution to the Contemporary Problem of Dog Attacks." *University of Arkansas at Little Rock Law Review* 32, 259-285.

This J.D. candidate, with a Master's degree from the University of Missouri and a Bachelor's Degree from John Hopkins University addressed the successes and failures that pit bull owners have had when fighting breed-specific legislation in the court system. He also offers some suggestions for better solutions to the problem of dog attacks.

Springhall, John. 1998. *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996*. New York: St. Martin's Press.

John Springhall attempts to organize different forms of popular culture into a spiraled moral panic model. The author describes the way in which something is seemingly "selected" for use as a scapegoat or distraction. This selection plays upon near universally-deemed negative elements which are then blown out of proportion. Springhall's argument that gangsta-rappers or their recording companies are often scapegoats for bigger issues also aligns similarly to the pit bull as a scapegoat for animal cruelty issues and the lack of an appropriate response to the problem. The author also balances the imaginary violence of video games and other violent forms of popular culture with the actual violence presented on the news, explaining: "Children are more frightened of the television news than of horror films, according to one survey"(154). Similar to the author's point, the violence portrayed by news media in terms of pit bulls is essentially considered more "real" by children (and others) than the extreme violence portrayed in horror films and video games, which leads to a greater fear of the docile pit bull than truly violent realities.

Swann, Kristen. E. (2010). "Irrationally Unleashed: The Pitfalls of Breed Specific Legislation." *UMKC Law Review*. 78, 839-865.

This article introduces the pit bull as a creation that emerged when bulldogs and terriers were

cross-bred to produce smaller, strong, agile, and eager to please dogs that were perfect for fighting. The author also paints a devastating portrait of the treatment pit bulls and their owners experience legally and socially, examining the inaccurate facts used to condemn pit bulls as more dangerous than any other breed of dog. Swann analyzes dog bite statistics which are often unreliable as well as breed and aggression studies which reveal that pit bulls actually score near average and definitely inconsistent with their reputation as a dangerous breed. Another study analyzed discounts the idea that pit bulls have extraordinarily strong jaws by measuring bite force of different breeds of dogs when stimulated by electrodes. The author concludes with the argument that perhaps constitutional challenges to breed-specific bans have failed because an intermediate scrutiny is actually more appropriate due to the susceptibility of these ordinances to exploitation as a tool for targeting suspect groups.

White House Official Response (Obama Administration). (2013). "Breed-Specific Legislation is a Bad Idea." *We The People*. <https://petitions.whitehouse.gov/>

This website, *We The People*, offers an online platform for the public to petition the White House for a response to concerning issues. While the website's terms of participation only require an official administration response after a petition has 100,000 signatures, this particular response was issued when the petition had only 30,000 supporters, which shows the administration's concern about this particular issue. The Obama administration concludes in this response that they do not support BSL, and that such bans are a waste of public resources. The response also cites that the CDC recommends a community-based approach to prevent dog bites.

Woods, Dominic Wynn. (2014). "Red Nose". *Remember Me*. <http://www.youtube.com/watch?v=guSVnb3BqD0>.

Author Dominic Wynn Woods has written these lyrics for a song entitled "Red Nose" for the rapper Sage the Gemini. The lyrics consist of telling a female to "shake it like a red nose" pit bull, which is supposed to capture the imagery of a pit bull thrashing his head back and forth shaking a toy, or prey. Although the rapper likely wasn't intentionally attempting to harm the perception of the breed, this song became quite popular, and those who were unfamiliar with pit bull breeds mistakenly believed that the imagery eluded to their viciousness.

Wright, Valerie. (2010). "Deterrence in Criminal Justice: Evaluating Certainty Versus Severity of Punishment." *The Sentencing Project*. <http://www.sentencingproject.org>.

This article was authored by Valerie Wright, Ph.D., who is a Research Analyst at The Sentencing Project. The Sentencing Project is a national non-profit organization involved in research and promoting the reform of criminal justice policies and issues. This author presents research demonstrating that increasing the certainty of punishment, rather than the severity of punishment is more likely to produce deterrent benefits.