



NAIA Trust

**Educating the public about the critical difference
between animal welfare and animal rights**

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June 3, 2007

The Honorable Joe Roberts
Route 130 South & Browning Road
Brooklawn, NJ 08030

Dear Mr. Speaker,

I am writing on behalf of the New Jersey members of the National Animal Interest Alliance Trust (NAIA Trust) to express our opposition to the New Jersey Assembly Substitute for Assembly Committee Substitute for Assembly Bill, No. 2649 (AS for A2649).

The NAIA Trust is a coalition of animal owners and organizations dedicated to animal welfare, animal health and well-being, responsible animal ownership, and maintaining the rights of citizens to keep and enjoy pets. We support reasonable laws that promote the well-being of animals and strongly oppose laws that ignore science and interfere with decisions that should be made by pet owners and their veterinarians.

There are bills being introduced across the nation that severely restrict the ability of animal owners to make decisions regarding their pets. Organizations such as the Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty to Animals (ASPCA) continue to push for these bills, with the intention of making animal ownership so difficult as to be impossible. Most pet owners are uninformed about these laws, secure in the knowledge that it doesn't concern them, because they take good care of their pets. They also rely on the first line of defense against egregious laws; their representatives in government.

The provisions of this Assembly substitute are unreasonable and unconstitutional and would produce severe unintended consequences if passed. This legislation creates new criminal offenses with mandatory sentencing and restitution which are unnecessary and excessive. The language describing these offenses is vague and contradictory. Valid activities have been raised to the level of a crime with no basis in fact. A simple signature could transform a law-abiding citizen into a criminal with no change in behavior having occurred. The NAIA Trust opposes numerous provisions of this assembly bill substitution, which are discussed below.

Many of the Provisions are Unconstitutional (Fourteenth and Fourth Amendments)

Current law defines animals as the "property" of the owner. The United States Constitution guarantees and protects the fundamental right of property ownership, preventing others from taking it away. Some provisions of this bill prevent an individual from owning an animal for the remainder of his and her life. This raises constitutional property right infringement concerns.

The Constitution guarantees that individuals may possess and feel secure in their homes and property; that they may make important decisions regarding their property. This legislative proposal would give unconstitutional warrant-less search and seizure authority to

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nongovernmental employees/private citizens to enter homes and businesses and seize property. This exceeds the legal discretion that other police officers have.

Interferes with Judicial Discretion

Based on current law a judicial officer has the authority to make discretionary decisions in adjudicating a court proceeding. This legislation takes away a judge's ability to make final decisions based upon his or her determination as to what restitution and punishment is fair. The proposal requires a "violator to pay restitution or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal" based upon the cost determination by a nongovernmental entity instead of a judge. The New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) is named in this proposal to not only act as animal control/criminal officers but also to be the recipient of restitution amounts that they determine. This would be a little like the old days of the Wild West where the same person acted as sheriff, judge, hangman and tax collector.

All accusers would "have immunity from any liability, civil or criminal." Feuding neighbors, aggrieved ex-spouses and animal rights extremists could harass others with no fear of retribution or recompense. Those falsely accused could lose thousands of dollars before justice was served. If unable to pay, innocent pet owners would have to relinquish their pets. Is pet ownership to be a privilege that is only accorded to the wealthy or the powerful?

Interferes with the Veterinarian/Client Relationship

This legislative proposal needlessly and recklessly interferes with the traditional relationship between New Jersey-licensed veterinarians and their animal patients' owners' ability to make decisions regarding an individual animal's health and well-being. A treatment "deemed necessary by a reasonably prudent person" could take animal health and care decisions from the owner to some other third party instead of their veterinarian. Health care decisions must be kept strictly between the veterinarians and their clients.

Understanding the agenda of groups such as HSUS and ASPCA is crucial to recognizing bills sponsored by them. Protecting the rights of New Jersey citizens is made more difficult when the agenda is obscured by emotion-filled rhetoric. Please feel free to contact us if you have a question about this, or any other bill that comes before you.

The NAIA Trust strongly opposes the AS for, A2649.

Sincerely,

Barbara Reichman
NAIA Trust NJ Director