



MANDATORY IDENTIFICATION OF COMPANION CATS AND DOGS

Each passing day brings an increased public awareness of something that shelters and humane societies have known for years: there is an enormous, relentlessly growing, overpopulation of cats and dogs in America. Despite the heroic, front-line, efforts of shelters and humane societies in caring for many unwanted animals, the appalling statistic is that millions¹ of these unfortunate creatures are killed each year. Year after year. Decade after decade. Countless millions more unwanted cats and dogs scratch out a feral existence awaiting premature deaths, or, too often, fates worse than death.

Although for decades society has wrestled with the surplus animal problem, and recently municipal governments have begun to grapple with the situation, sadly, it is clear that no overall solution has been found. Dog licensing does not affect how many canines one can possess, nor does it limit breeding, either in backyards or at puppy farms. Felines, of course, are not licensed at all. Currently, spaying and neutering is voluntary (see ISAR's Model Mandatory Spay/Neuter Statute and its Model Adoption Sterilization Statute). Dog and cat contraception is far from a reality, and even if feasible would remain largely, if not wholly, voluntary.

All of this means that society in general, and shelters and humane societies in particular, may face a hopelessly growing surplus cat and dog problem. The prognosis is worsened because few people, even those in the animal rights/welfare field, understand a major reason for the surplus animal problem.

Dogs and cats that individuals want and care for present no surplus problem (although they may cause a surplus problem if they are allowed to breed indiscriminately, and their progeny are then not wanted and cared for).

On the other hand, many of the dogs and cats that were once wanted and cared for later become unwanted, are then added to the surplus population. If these animals are dumped, instead of being taken to a shelter or humane society, their surplus status compounds exponentially: if they live long enough to reproduce, added to their own surplus status will then be that of their offspring, and their offspring's and so on down the line into incalculable numbers.

This identification suggests that a root of the surplus problem is not, as popularly supposed, the ease with which a dog or cat can be acquired, but rather the ease with which a dog or cat can be disposed of. Every surplus animal in a shelter or humane society, or running loose, or the animals from which it is descended, had to have once belonged to someone. Unless the dog or cat ran away, it was dumped.

This recognition suggests, in turn, one possible answer to the surplus animal problem. If ease of disposal of unwanted animals is a major contributing factor to the surplus dog and cat problem, it is that-- ease of disposal -- which must be dealt with. In other words, the disposal valve must be closed, at least substantially.

Basically, there are only two ways that one can dispose of an unwanted animal (besides killing it, which should be proscribed by anti-cruelty laws): by taking the animal to a shelter or humane society, or by abandoning it.

The option thus presented to the shelters/humane societies confronts those organizations with a cruel choice: either open its doors to the dog or cat knowing that most likely it will not be adopted and have to be destroyed, or turn its back and probably doom the unwanted animal to an existence and eventual death far less humane than what awaits it at the shelter/humane society. This cruel choice, which, morally, is no choice at all, is made all the worse by the shelter's/humane society's frustrating inability to ascertain who the animal belonged to, and the organization's powerlessness to act against that person even if his or her identity is known.

If the shelter/humane society option is not chosen, the animal is dumped. Although in most states abandoning a dog or a cat is illegal, the law is not enforced -- because it cannot be. No more than a shelter/humane society can ascertain who a dog or cat belongs to, if that person wishes to remain anonymous.

The common denominator which makes possible both of these ways of disposing of an unwanted animal -- surrender to a shelter/humane society, or abandonment -- is that there is no certain way to identify the person who is getting rid of his or her animal. This indisputable fact is a key to solving the surplus dog and cat problem. Just as the surplus animal problem is created by how easy it is to get rid of an animal, that in turn is caused by the inability of shelters, humane societies, and law enforcement to identify who it is that is surrendering or dumping an animal.

Solve the problem of identification, and a giant step is taken toward, if not solving, then substantially ameliorating, the surplus dog and cat problem. Once public authorities know who is getting rid of an animal, that person can be severely (repeat: severely!) penalized. At minimum, one consequence will be at least to dissuade, and at most bar, irresponsible termination of the human-companion animal relationship (i.e. dumping animals rather than surrendering them).

To this end, ISAR proposes a simple solution:

1. Mandatory permanent identification of dogs and cats in shelters.
2. Stringent penalties for non-identification.
3. Making it costly to dispose of a healthy unwanted dog or cat.

Without reciting here the details and specific language that would constitute a statute embodying this proposal, the essence of such a law would be as follows:

1. Companion dogs and cats would be required to have a permanent, easily detectable, identification number applied by a veterinarian, probably by means of a microchip. Willfully failing to so identify

one's animal would be punishable, and the violator could also be enjoined from thereafter possessing another companion animal(s), or allowed to do so only under such conditions as the court would prescribe.

2. The animal's identification number would be recorded by the state and would constitute the animal's permanent license number.
3. Animals impounded by animal control authorities, or otherwise brought to shelters, would be examined for their identification number. Animals lacking a number would receive one prior to being returned to their custodians or adopted. Penalties would be provided for custodians (not rescuers) whose animals lacked an identification number. Penalties would also be provided for custodians (not rescuers) surrendering animals whose animals possessed an identification number. The severity of penalties would depend on why the animal was impounded or otherwise brought to a shelter, and why the animal lacked an identification number. Refusal to redeem an animal would result in a substantial fine, and perhaps an injunction barring or limiting future custodianship of a companion animal.
4. Upon the transfer of an identified dog or cat, it would be the transferor's duty to inform the state registry of the name and address of the transferee. There would be a penalty for noncompliance.

The intent of such a law is obvious: to make it difficult and costly for the custodian of a companion dog or cat to dispose of it by surrendering it to a shelter/humane society or dumping it into the street.

It must be recognized, especially by the custodians of companion dogs and cats, that they are not inanimate objects, like plastic toys, to be acquired capriciously and disposed of on a whim. It must be recognized that companion dogs and cats are members of living species with whom we share this planet, that they are creatures whom humans have domesticated and who depend on us entirely for their own well-being and survival, and that they, like us, can acutely experience fear, pain, and death. In sum, they are our responsibility and we must control their numbers in order to prevent their suffering. It is as simple as that.

To those who would complain that this proposal to deal with the surplus problem unduly interferes with the custodian's so-called "right" to do whatever they wish with their animals, ISAR reminds them that there are already plentiful anti-cruelty and other animal protection laws on the books, and that animals, like defenseless children, need, and are entitled to, protection from abuse.

To those who would complain that the proposal sounds too expensive, ISAR contends that it would actually save much of the hundreds of millions it now costs annually to exterminate millions of unwanted dogs and cats.

To those who would complain that the proposal cannot work, ISAR answers that it must work -- for it is a moral outrage to visit the sins of irresponsible custodians on helpless, innocent, dogs and cats, by systematically and relentlessly exterminating them.

¹ Neither ISAR, nor any other organization in the United States, has available a reliable estimate for how many dogs and cats are euthanized annually by animal shelters in this country.