

**AMERICAN BAR ASSOCIATION
TORT TRIAL AND INSURANCE PRACTICE SECTION
REPORT TO THE HOUSE OF DELEGATES**

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress and the United States
- 2 Department of Defense to direct the Armed Forces and its Public Private Venture housing
- 3 contractors to enact uniform breed-neutral pet policies for families living in military
- 4 housing in the United States.

REPORT

Introduction

The challenges of being a military family, who is often transferred between duty stations, produces stress and anxiety for all involved, with children being the most vulnerable. A substantial body of research has shown the benefits that pets provide to military families, especially in times of uncertainty. For some families, their dogs are not pets, but are service animals or emotional support animals under the law. These dogs perform tasks for a person with a disability or who has a mental or emotional condition, as outlined below. Additionally, military housing can be a very complex system to navigate. For military families with pets, this system is even more difficult to decipher given the inconsistent breed-bans adopted by military bases throughout the world. Military families may be forced to give up their pet or to move into less convenient and perhaps more expensive private housing when they transfer in order to retain their family pet, an option often unavailable. Thus, instead of having the loved pet to help them through the transfer process, the families often experience the emotional trauma of leaving the pet behind. For example, Mellita McCullen and her fiancé, both soldiers stationed at Ft. Hood, were forced to give up their pit bull puppy in order to move into military housing after a new breed ban came into effect.¹ She commented that the policy is unfair to soldiers who need military housing due to their financial situations.²

Similarly, while stationed in Colorado, Joshua Brown and his wife had a pet dog that was a 10 week old Labrador mixed with Pit Bull.³ Brown and his wife were told they must choose between the dog and living in military housing because of the breed of the dog.⁴ Brown said that the puppy is part of their family and he would rather move.⁵ Brown's mother commented that the puppy had done more than the Army or anyone else in comforting her son after a turbulent year in Iraq.⁶ A consistent breed-neutral policy would allow military families to retain loved well-behaved family pets as they are transferred time and time again, providing continuity and emotional support to military members and their families.

Members of the military and their families devote their lives to serving the United States. These families sacrifice tremendously to protect the freedoms enjoyed by all Americans. Many service members have made the ultimate sacrifice of giving their lives while serving. The American Bar Association has recognized the unique responsibilities that military families undertake and urged support for such families by forming the Standing Committee on Armed Forces Law, Military Law Coordinating Committee, the Military Committee of the Family Law Section, the Committee on Veterans Affairs, the Military Justice Committee of the Criminal Justice Section, and the Legal Assistance for Military

¹ Amanda Kim Stairrett, *Pit Bulls banned from Fort Hood*, KILLEEN DAILY HERALD (Sept. 2, 2008).

² *Id.*

³ Lance Benzel, *Puppy Love? Not at These Apartments*, THE GAZETTE (Colorado Spring, Aug. 27, 2010).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Personnel program.⁷ Along with these responsibilities come great challenges. Extensive legislation has been enacted to help military families deal with the realities of their service.

This Resolution, in line with the ABA's history of supporting and advancing the personal rights and interests of members of the United States military and their families, including many who are lawyers, as well as national trends in dangerous dog legislation, seeks to expand upon prior Resolutions 100 and 303 and ensure that military families who fight for our freedom have the ability to own and retain loved, well-behaved, family pets regardless of breed while living in the military housing system by urging Congress, the Department of Defense, and the Armed Forces to adopt breed-neutral pet policies on military bases.

The Life of a Military Family

The United States military requires that military families move based upon the needs of the service at any given time. Service members may face federal criminal penalties if they fail to report to a new duty station as ordered.⁸ Members disobeying orders to move may face jail, loss of rank, or dishonorable discharge.⁹ Thus, failing to move is not an option. Frequent moves are a large part of military family life. On average, the typical military family moves every thirty-three months.¹⁰ In addition, military members are often absent from their families due to temporary duty or extended deployments.

The moving process is very disruptive and stressful for military families, especially for children.¹¹ Adding to the anxiety caused by moving is the fact that some military families are forced to give up their pets when they move due to inconsistent policies that ban pet dogs in military housing simply because of their appearance or breed. This leaves no options for families seeking alternative places to live with their pet unless they move into private housing that may be more expensive and inconvenient and thus often not a realistic option. For children who have become attached to their pets, losing their pet can be a significant hardship. The U.S. Marine Corps recognized this hardship in April 2002 and classified all pets belonging to people in the marines as part of the family instead of the previous "household possessions" classification.¹² Today, throughout the military, pets may live at military bases in the U.S. or in neutral territories.

⁷ See e.g. American Bar Association Resolution 121(A) (2006); 111 (2003); and 130 (1995).

⁸ UNIFORM CODE OF MILITARY JUSTICE, 10 U.S.C. § 886 (1951).

⁹ *Id.* § 885.

¹⁰ DEPARTMENT OF DEFENSE, MILITARY FAMILY LIFE PROJECT: ACTIVE DUTY SPOUSE STUDY (2010), <https://download.militaryonesource.mil/12038/MOS/Reports/MFLP-Longitudinal-Analyses-Report.pdf>.

¹¹ Perry R. Chumley, et al. *Companion Animal Attachment and Military Transfer*, 6 ANTHROZOOS 258, 259 (1993).

¹² MARADMIN 595-16 (Nov 21, 2016) ("Household pets (dogs and cats) are important members of marine families. The shipment of pets during a Permanent Change of Station (PCS) move, particularly overseas, can be very expensive and a stressful event if not properly planned well in advance. Shipping a pet is considered a benefit and not an entitlement . . ."); see also MARADMIN 192-18 (Apr 18, 2018) (Peak Moving Season Preparations . . . "This MARADMIN also recognizes the importance of pets as members of the Marine family and explains how Marines with PCS Orders overseas must coordinate early to reserve pet spaces aboard Air Mobility Command-Patriot Express (AMC-PE) flights.")

Pets are especially helpful to those who are forced to move frequently. Research shows that a companion animal can provide a sense of continuity and emotional support for military families during periods of change, while facilitating adaptation to new environments.¹³ If the families cannot move with their pet, instead of having the loved pet to help them through the transfer process, the families often experience the emotional trauma of leaving the pet behind.¹⁴ This, in turn, can lead to family problems, poor adaptation to the new environment, and animosity toward the military service.¹⁵

Lack of Consistent Pet Policy

Currently, there is no consistent Department of Defense (DoD) pet policy. Dog ownership policies in military housing, whether leased directly through the Armed Forces or through Public Private Ventures (PPV),¹⁶ vary greatly among the military branches and often among specific duty stations within a branch. There is no consistent ban on specific breeds of dog; instead there is a patchwork of breed bans in place across the various housing available to military families both on base and off. The Air Force has a force-wide pet policy banning “aggressive or potentially aggressive breeds of dogs... defined as, both purebred or mixed breed, Pit Bull (American Staffordshire Bull Terrier or [English] Staffordshire Bull Terrier), Rottweiler, Doberman Pinscher, Chow and wolf hybrids.”¹⁷ The Navy pet policy is deferred to local commanders who decide which breeds are banned in their on-base housing.¹⁸ However, one *On Base Housing Policy* for a Navy station prohibits “Chows, Doberman Pinschers, Presa Canarios, Pit Bulls . . . Rottweiler’s, any Wolf Hybrid, or any mix of the aforementioned breeds.”¹⁹ The Army currently prohibits “dangerous dog breeds” that include “American Pit Bull, Stafford Bull Terrier, Bull Mastiffs, Dogo Argentino, Rhodesian Ridge Back, Dogu-de-Bordeaux, Chinese Fighting dog, Doberman Pincher, and crossbreeds of these dogs.”²⁰ The Marine Corps policy prohibits

¹³ Chumley, *supra* note 11, at 258.

¹⁴ *Id.* at 269.

¹⁵ *Id.*; see also Anderson, Lynn J. *The Pet in the Military Family at Transfer Time: It is No Small Matter*, 8 MARRIAGE AND FAMILY REV. 205, 208, 216, 219 (1985).

¹⁶ Congress established the Military Housing Privatization Initiative, [National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106 \(110, Stat 186, Section 2801\)](#), to improve the quality of living conditions for military families. It authorizes the DoD to work with the public sector to “build, renovate, and sustain military housing” Office of the Asst. Secretary of Defense for Energy, Installations, and Environment, *Military Housing Privatization*, https://www.acq.osd.mil/eie/fim/Housing/Housing_index.html. Such privatized military housing is referred to a Public Private Venture (PPV) housing, owned by a private entity and governed by a business agreement with DoD. The DoD has “privatized 99 percent of its domestic housing.” GAO, *Military Housing privatization: DoD Should Take Steps to Improve Monitoring, Reporting, and Risk Assessment*, GAO-18-218 at 1 (Mar, 2018).

¹⁷ Secretary of the Air Force Instruction (AFI) 32-6001 (Oct. 24, 2008), AFI 32-6007, Ch. 4, § 4.22 (Aug. 2, 2012).

¹⁸ Commander Navy Installations Command (CNIC) Instruction 11103.2A, §4.f(2) (Aug. 2, 2013) <https://www.cnic.navy.mil/content/dam/cnic/hq/pdfs/Instructions/11000Series/CNICINST%2011103.2A.pdf>.

¹⁹ On Base Housing Policy, <http://www.frcw.navy.mil/pets.pdf> (last visited Sept. 3, 2018).

²⁰ Department of the Army, Policy Letter No. 34 (July 21, 2013), <https://www.army.mil/e2/c/downloads/328371.pdf>.

all “full or mixed breeds of Pit Bulls, Rottweilers and canid/wolf hybrids.”²¹ They further direct a Veterinary Corps Officer or civilian veterinarian to make a determination of “majority breed” when an owner does not possess a breed registry certificate.²² Thus, a military family owning a mixed-breed terrier and living in military housing may be fine at one place, but if they transfer, they may learn that their dog is banned in their new military housing.

The pressure and hardship to a military family moving around with a mixed-breed dog is compounded by the visual identifications made by an officer, military police, or veterinarian. The determination of the installation veterinarian on the breed of the dog is usually final. However, studies have shown that visual identification is often inaccurate and inconsistent.²³ For example, a published study on visual breed identification of animal welfare and law enforcement professionals compared to DNA breed identification showed visual identification ranges between 6-30% accurate when compared to the scientific method, DNA.²⁴ Another notable study found that, when animal shelter and animal adoption agency staff were tasked with identifying the breed makeup of dogs of unknown origin, 87.5% of the dogs identified by an adoption agency as having specific breeds in their ancestry did not have all of those breeds detected by DNA analysis.²⁵ In a second study, experienced dog professionals were tasked with visual breed identification of twenty dogs.²⁶ Fewer than half of the professionals were able to correctly identify the predominant breed (as little as 12.5% match based on DNA analysis could qualify as “predominant”) for 14 of the 20 dogs. Moreover, for three of the dogs, visual identification did not match any (major or minor) DNA breed identification. Further, the experts were unable to agree with each other—for only seven dogs (35%) could even half the observers agree on a predominant breed.²⁷

This research, coupled with the fact that a majority of the dogs in the United States are of mixed breed, suggests that identification of mixed-breed dogs for purposes of enforcing any of the military base policies is insufficient and unreliable.²⁸ This can lead to much confusion, frustration, and heartache for military families. Instead, a pet policy intended

²¹ Marine Corps Order (MCO) 11000.22 Ch.1, § 5003 (Jan 22, 2018).

²² *Id.*

²³ See, e.g., Victoria L. Voith, et al., *Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs*, 12(3) J. APPLIED ANIMAL WELFARE SCI., 253-62 (2009); Victoria L. Voith, et al., *Comparison of visual and DNA breed identification of dogs and inter-observer reliability*, 3(2) AM. J. SOCIOLOGICAL RESEARCH, 17-29 (2013); K. Croy, et al., *Dog Breed Identification: What kind of dog is that?*, MADDIE’S SHELTER MEDICINE PROGRAM (2012), <http://sheltermedicine.vetmed.ufl.edu/library/research-studies/current-studies/dog-breeds/> (last visited Sept. 15, 2018); K.R. Olson, K. R., et al., *Inconsistent identification of pit bull-type dogs by shelter staff*, 1 VETERINARY J., 206, 197-202 (2015).

²⁴ Olson, *supra* note 23.

²⁵ See *Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs*, *supra* note 23, 253, 260.

²⁶ See *Comparison of visual and DNA breed identification of dogs and inter-observer reliability*, *supra* note 23, 17-29.

²⁷ *Id.*

²⁸ JANIS BRADLEY, THE RELEVANCE OF BREED IN SELECTING A COMPANION DOG 11, (National Canine Research Council 2011), see also Sandy Robins, *First Mutt Census Reveals Strong Dog DNA Trends*, TODAY, Apr. 4, 2011.

to protect the installation and community from a dog's dangerousness should be based on a dog's behavior. Not only will such a policy avoid the difficulties with accurately and consistently determining the breed of the dog but will be more effective.

For researchers who studied dog-bite related fatalities, the most remarkable finding was not the appearance of the dog, but the co-occurrence of multiple factors potentially under the control of dog owners: isolation of dogs from positive family interaction and other human contact; mismanagement of dogs by owners; abuse or neglect of dogs by owners; dogs left unsupervised with a child or vulnerable adult who may be unfamiliar to the dog; and maintenance of dogs in an environment where they are trapped, neglected, and isolated and have little control over either the environment or choice of behavior.²⁹ Notably, the breed, mix of breeds, or appearance of the dog was not one of the factors.

National Trends in Dangerous Dog Legislation

The trend throughout the United States is to repeal breed discriminatory ordinances and replace them with dangerous dog laws that focus on the behavior of the individual dog and the individual owner. The National Canine Research Council estimates that between January 2012 and May 2014, at least 97 municipalities repealed breed discriminatory legislation, at least 61 municipalities rejected it, and five (5) states enacted statewide preemption laws, compared to only 21 municipalities enacting such legislation in that time frame.³⁰ Best Friends Animal Society estimates that, from 2014 to present, an additional two (2) states have enacted statewide preemption laws and at least 28 additional cities and three (3) additional counties have rejected breed discriminatory legislation by either repealing existing legislation or enacting breed-neutral legislation.

State legislators have varying reasons for adopting state preemptions on breed specific legislation. "The most important part of [the advocates' testimony] was a screen they put up in front of us that showed about 16 dogs, and they said pick out which one is a pit bull. And you couldn't do it," said Representative Tim Rounds, South Dakota District 24.³¹

Several studies have been conducted on the topic of the impact and effectiveness of laws that regulate dogs based on breed or appearance instead of behavior. The United Kingdom banned "pit bulls" in 1991. One study examined the U.K.'s Dangerous Dog Act and concluded that the ban had no effect on stopping dog attacks.³² The Netherlands repealed a "pit bull" ban that had been in place for 15 years because it had failed to reduce

²⁹ Patronek, et al. *Co-Occurrence of Potentially Preventable Factors in 256 Dog Bite Related Fatalities in the United States (2000-2009)*, 243 J. AM. VETERINARY MED. ASS'N 1726, 1732 (Dec. 15, 2013).

³⁰ *Breed Specific Legislation is on the Decline*, NATIONAL CANINE RESEARCH COUNCIL, <https://www.nationalcanineresearchcouncil.com/sites/default/files/Breed-specific-legislation-is-on-the-decline-2016.pdf> (last visited Nov. 10, 2017).

³¹ *The Debate to End Breed Discrimination*, YOUTUBE, https://www.youtube.com/watch?time_continue=331&v=8ylkstRpCno (last visited Sept. 3, 2018).

³² B. Klaassen, J.R. Buckley & A. Esmail, *Does the Dangerous Dog Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, 27(2) INJURY 89-91 (1996) (examining incidents seen at one urban accident and emergency department before the implementation of the act and again two years later).

the incidence of dog bites.³³ These published studies are consistent with a 2009 article discussing the effect of the Denver, Colorado breed discriminatory law.³⁴ Twenty years after the ban was enacted, the director of Denver Animal Control admitted that he is unable to say with any certainty whether it has made Denver any safer.³⁵ Other cities with breed bans have determined that the ban is ineffective in protecting the public from dog attacks and is problematic to enforce by field officers.³⁶

Some elected officials believe that banning dogs based on appearance alone is a personal property issue. “It’s not a dog bill. This is actually a private property rights bill. House Bill 97 protects the property rights of Utahans by allowing responsible dog owners to welcome any type of dog into their home while still allowing the cities to go after irresponsible dog owners,” said Senator Margaret Dayton, Utah District 15.³⁷

Ultimately, the trend is for states and cities alike to adopt breed-neutral dangerous dog laws that target behavior and not appearance. This is consistent with the 2012 American Bar Association Resolution 100 which “urged all state, territorial, and local legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory or breed specific provisions.”³⁸

Effect of Inconsistent Policy on Service and Emotional Support Animals

Family members of service members, former service members and recovering service members have service animals or emotional support animals. A service animal is “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”³⁹ These animals are protected under Title II and III of the Americans with Disabilities Act (ADA) which requires reasonable access to individuals with disabilities to any public entity or accommodation.⁴⁰ “Although the ADA is not binding on the DoD, a

³³ Expatica.com, *Dutch Agriculture Minister Scraps Pit Bull Ban* (June 11, 2008) http://www.expatica.com/nl/news/local_news/Dutch-Agriculture-Minister-scraps-pit-bull-ban.html (last visited September 18, 2018.)

³⁴ Peter Marcus, *Do Dog Breed Bans Work?* DENVER DAILY NEWS, Mar. 3, 2009, reprinted, <https://stopbsl.org/2009/03/03/denver-co-do-dog-breed-bans-work/>

³⁵ *Id.*

³⁶ City of Topeka Summary of Frequently Asked Questions, September 2010 (from City of Topeka home page follow link to Summary FAQ’s of new animal ordinance, <http://www.topeka.org/pdfs/SummaryFAQs.pdf>) (related to the repeal of its breed specific ordinance, outlining that the ordinance was wholly ineffective). See e.g. Memorandum from Eric Thompson, City of Overland Park, Kansas Chief Animal Control Officer to James Braun, Hays Kansas Police Chief (June 18, 2009) (on file with author).

³⁷ *Id.*

³⁸ American Bar Association Resolution 100 (2012).

³⁹ 28 C.F.R. §§ 35.104 (2016).

⁴⁰ *Id.* (“public accommodation” is defined private entity that owns, operates, leases, or leases to, a place of public accommodation).

2008 DoD memorandum states that DoD facilities of all types shall comply with the ADA as well as Section 501 of the Rehabilitation Act of 1973 and the Fair Housing Act (FHA). Accordingly, service animals are allowed on military installations, and the policies of the Defense Commissary Agency (DeCA), the Navy Exchange (NEX), and the Army & Air Force Exchange Service (AAFES) are to comply with the ADA in their facilities.”⁴¹ While the ADA does not specifically address prohibitions on breeds of dogs or mixed-breed dogs, the United States Department of Justice (DOJ) found it is neither appropriate nor consistent with the ADA to defer to local laws that prohibit certain breeds of dogs.⁴² However, the DoD memorandum does not reconcile the absence of ADA language on breed specific bans with the guidelines from the DOJ so military families living on base have no guidance. In 2016, the DoD issued the “Guidance on the Use of Service Dogs by Service Members”⁴³ that states that “Recovering Service members (RSMs) who have medical conditions that require the assistance of a service dog for activities of daily living may utilize service dogs on DoD installations while on active duty.” Moreover, the Secretaries of the Military Departments “ensure that Service members with service dogs have access to appropriate housing” but “retain and exercise authority and discretion in developing and implementing policies regarding all animals, including service dogs, not addressed in this policy.” Thus, military families living on based have no guidance on whether or not a breed-specific ban in military housing applies to their service animal except perhaps for one used by a RSM as the DoD’s guidance does not appear to apply to the family of military personnel.

In 2012, the American Bar Association adopted Resolution 303 which “urges all federal, state, territorial, and local legislative bodies to repeal or amend all laws or policies inconsistent with the regulations implementing the ADA and to implement policies to ensure that persons with disabilities utilizing service animals are provided access to services, programs and activities of public entities and public accommodations in compliance with the regulations implementing the Americans with Disabilities Act in a manner that: . . . 3. Provides for a size, weight and breed-neutral policy, utilizing a case-by-case analysis to determine whether a particular animal can be excluded from a public entity or public accommodation based on the particular’s animal’s actual behavior” This, coupled with the guidance from the DOJ, should provide enough weight for the DoD to ensure that all service animals who may fall under a banned breed are allowed in military housing.

An emotional support animal is distinguished from a service animal in that an emotional support animal provides a therapeutic benefit for someone with a mental disability but is not required to be individually trained to do work or perform tasks.⁴⁴ Emotional support animals are included in the definition of “assistance animals” under the FHA, along with

⁴¹ Lt. Lauren Hugel, *Service and Support Animals on Military Installations*, 8(2) ADVISOR 8 (Dec. 2015).

⁴² 28 C.F.R. § 35.136 Supp. 81 (2010); *see also* Sak v. City of Aurelia, Iowa, 832 F. Supp. 2d 1026, 1033 (N.D. Iowa 2011).

⁴³ Dept. Defense Instruction 1300.27 (Jan. 7, 2016).

⁴⁴ Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791 et seq.; Fair Housing Act and Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq.

animals who qualify as service animals under the ADA.⁴⁵ The DoD's memorandum also applies to the FHA.⁴⁶ Like the ADA, breed, weight, or size limitations may not be used to exclude assistance animals from housing under the FHA. Accordingly, any military base housing must also not discriminate against an assistance animal's breed.

Recent History of Inconsistent Pet Policy

On December 14, 2011, Congressmen Walter B. Jones of North Carolina and Tom Rooney of Florida wrote a letter to the Secretary of the Army, the Honorable John McHugh, asking that the U.S. Army Veterinary Service review dog ownership policies throughout the services.⁴⁷ They believed that such an evaluation would lead to the establishment of a consistent breed-neutral pet policy that would replace ineffective breed bans with strict dangerous dog laws. They wrote that "banning or declaring a dog inherently dangerous based on breed or physical appearance unfairly punishes responsible military dog-owning families."⁴⁸ They further noted that "responsibly-owned, well-socialized family pets are beneficial to the overall morale and well-being of service members and their families."⁴⁹

The Secretary of the Army declined to provide such a review and suggested that service members who own a breed banned at their current installation should seek housing in the community.⁵⁰ This view is consistent with the varying pet policies in each of the military branches, referenced above.⁵¹ However, one year later, the U.S. Army's veterinarian community stated these breed bans are written in the absence of professional veterinarian or animal behavior advice. In a memorandum distributed Army-wide on February 3, 2012, Col. Bob Walters, director of the Army's Veterinarian Service Activity, stated there is no scientific method to determine a breed and that breed bans are unlikely to protect installation residents. The memorandum recommends generic, non-breed-specific dangerous dog regulations with emphasis on identification of dangerous and chronically irresponsible owners, consistent with the American Bar Association's Resolution 100⁵² and in agreement with the studies regarding breed identification, referenced above.⁵³ Nevertheless, to date, no action has been taken by the DoD nor any of the military branches to adopt breed-neutral pet policies, resulting in a patchwork of breed-bans across branches and installations, as described above.⁵⁴

⁴⁵ U.S. Dept. Housing and Urban Dev., *Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs*, FHEO Notice-2013-01 (Apr. 25, 2013)

⁴⁶ See Hugel, *supra* note 41.

⁴⁷ Letter from Walter B. Jones & Tom Rooney, Members of Congress, to Honorable John McHugh, Secretary of the Army (Dec. 14, 2011).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Letter from Honorable John McHugh, Secretary of the Army, to Walter B. Jones & Tom Rooney, Members of Congress (Feb. 13, 2012).

⁵¹ See *supra* text accompanying notes 16-22.

⁵² Department of Defense Veterinary Service Activity Memorandum, by Col. Bob E. Walters (Feb. 3, 2012).

⁵³ See *supra* text accompanying notes 23-27.

⁵⁴ See *supra* text accompanying notes 16-22.

Conclusion

This resolution calls for the implementation of a single strong, breed-neutral dog policy for military housing in place of the patchwork of ineffective breed discriminatory policies which currently exist across the majority of military housing. Given the sacrifice all military families make to serve our country, the least our country can do for these families is allow them to responsibly own well-behaved dogs of their choice regardless of breed while living in military housing.

The Tort Trial and Insurance Practice Sections urges the Congress and the United States Department of Defense to direct the Armed Forces and its PPV housing contractors, to enact consistent breed-neutral pet policies for military families living in military housing.

Respectfully Submitted,

Roy Alan Cohen
Chair, ABA Tort Trial & Insurance Practice Section
January 2019

GENERAL INFORMATION FORM

Submitting Entity: Tort Trial & Insurance Practice Section

Submitted By: Roy Alan Cohen

1. Summary of Resolution

Urges Congress and the United States Department of Defense to direct the Armed Forces and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing.

2. Approval by Submitting Entity.

Approved by the Council of the Tort Trial & Insurance Practice Section on October 13, 2018

3. Has This or a Similar Recommendation Been Submitted to the House or Board Previously?

No.

4. What Existing Association Policies are Relevant to This Recommendation and How Would They Be Affected By Its Adoption?

This resolution is consistent with 2012 ABA Resolution 100 and 2012 ABA Resolution 303 and expands upon them both to apply to the military. Moreover, as many military personnel are lawyers who may live in military housing, this resolution not only protects the interests of military families but advances the ABA's interest in the legal profession.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

Not applicable.

6. Status of Legislation. (If applicable.)

Not applicable.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

To lobby Congress, via the Armed Forces Committees of the House and Senate, to enact legislation directing the Department of Defense to implement uniform breed-neutral pet policies throughout all military housing, including PPV housing and/or to request the Secretary of Defense, directly, to implement uniform breed-neutral pet policies throughout all military housing, including PPV housing.

8. Cost to the Association. (Both Direct and Indirect Costs)

None.

9. Disclosure of Interest. (If applicable.)

Not applicable.

10. Referral.

This Report and Recommendation is referred to the Chairs and Staff Directors of all ABA Sections and Divisions, specifically including all military entities within the ABA.

11. Contact Persons. (Prior to the Meeting)

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12. Contact Person. (Who Will Present the Report to the House.)

TBD

EXECUTIVE SUMMARY

1. Summary of the Recommendation

This resolution urges Congress and the United States Department of Defense to direct the Armed Forces and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing.

2. Summary of the Issue that the Recommendation Addresses

The challenges of being a military family, who are often transferred between duty stations, produces stress and anxiety for all involved, with children being the most vulnerable. Military housing can be a very complex system to navigate. For military families with pets, this system is even more difficult to decipher given the inconsistent breed-bans adopted by military bases throughout the world. Military families may be forced to give up their pet merely because of the way the dog looks. Alternatively, transferred families must move into private housing that is less convenient and may be more expensive in order to retain their family pet, an option which can be wholly unavailable in some areas of the country. Thus, instead of having the loved pet to help them through the transfer process, the families often experience the emotional trauma of leaving the pet behind.

3. Please Explain How the Proposed Policy Position Will Address the Issue

Adopting uniform breed-neutral pet policies for families living in military housing will resolve the difficulty for military families with well-behaved pets of all breeds and allow them to move freely within military housing without having to give up their pet.

4. Summary of Minority Views or Opposition Which Have Been Identified

None.