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FRED R. JACOBBERGER

Deliveries: 2701 Overlook Drive
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January 29, 2009

TO: Members
Senate Committee on Agriculture and Veterans

Dear Senators:

I attended the hearing on SF7 and SF201 on January 27. I oppose this proposed legislation because (1) it is not needed, and (2) the inspection provisions of SF7 are terribly invasive of the privacy rights of home-based hobby breeders.

With all respect to Senator Betzold, the logic of the proponents of this bill appears to me to be flawed. Senator Betzold's oft-stated premise was that there are no existing laws to protect against "bad" breeders. He relied heavily on Humane Officer Streff's assertion that required inspections are necessary to root out bad breeders of all sizes, large and small.

However, the photos you were shown, and the horror stories portrayed by Officer Streff, were available to be presented to you precisely because they were uncovered and dealt with under the existing animal cruelty and neglect laws – someone complained, and a resulting investigation lead to the issuance of warrants. That is what we do to stop wrongdoing in Minnesota and in America in general. What we do not do, whether the perceived wrongdoing be abuse of controlled substances, neglect or molestation of children or even capital murder, is enter and search people's private homes without probable cause.

As for bad "big" breeders, large breeders can't hide. A 500-1000 dog facility is going to be very visible in any community. Ultimately the bad ones will be the subject of complaints that will lead to warrantable searches. This is exactly what happened with respect to the facility featured in the video you were shown.

It may be possible for small, home-based breeders to fly below the radar. In that case bad "small" breeders will simply not apply for licenses. When asked about that at the hearing, Senator Betzold responded that such breeders would ultimately be caught and

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punished. But how? Obviously, by complaints leading to investigations leading to warrants, precisely what is currently being done under existing law.

Preventing the cruel or neglectful treatment of animals is a laudable goal, but it is one of many such goals aimed at preventing wrongdoing, and does not justify the proposed means of requiring warrantless searches of private homes. Please consider that we do not permit that even to protect children, or to help solve murders.

Yours very truly,

Fred R. Jacobberger