

EXHIBIT 14
DATE 2.17.05
HB 603

A few weeks ago we sent out a treatise describing the incident that forced our involvement in the issue of trapping law reform. The TIO Manifesto described our Great Pyrenees dog, Tio, getting caught in a leg-hold trap and how, rather than releasing him, the trapper opted to shoot, shovel and shut up. He shot Tio twice in the head, drug his body off and dumped it in a ravine, then lied about it within the hour when I called to ask if he had seen our dog. The trapper admitted it all to us when we confronted him four long days later after we had finally found the evidence. He admitted it to the game warden when they talked; he admitted it to the land owners who have since told us he will not be allowed back on their land; and he admitted it to the owner of the cattle on the ranch who told us he never wanted a trapper there in the first place. His lack of remorse was impressive. Maybe its what happens to a person when he walks up and 'dispatches' trapped animals every day. We want him held accountable for his cruelty. The game warden, the sheriff, and the county attorney's office have all told us our best bet is to sue.

Since this story was in the Missoulian last week we have received lots of support as well as some 'more negative' feedback. The gist of the negative stuff is that we deserve what we got because we are bad pet owners and we let our dog run. There is a lot missing from that assessment but I'm not going to fight that non-battle here. The point I want to make is that, even if it were true, there was no need to resort to violence, lies, and deception. If a trapper runs into a problem dog or dog owner, he has clear and swift legal recourse. Make a call and the authorities will deal with the situation. Not true for a dog owner who runs into a problem trapper. We found that out and we hope you will do something about it.

Mandating education is clearly a good first step. Maybe the trapper who shot our dog was ignorant of the law. Same with those who would have us held responsible for his acts. We happened on trapperman.com, a trapper chat group where one individual identifying himself as 'edder' and ED IV, Montana Trappers Association, was giving out inaccurate information about Montana law to his cohorts stating, "as for being able to shoot roaming/running dogs, yes, you may shoot them..." That is simply not true. Montana does not authorize that kind of random vigilantism. A game warden, a law enforcement officer, or, according to MCA 81-7-401, the owner of the livestock or his agent or employee may kill a problem dog, but not just some guy with a gun who shoots a dog and makes up a story. I bring this to your attention now because the Montana Trappers' Association is the entity currently charged with providing what 'voluntary' trapper education is available in the state. I have no way of knowing if ED IV is actually a representative of the MTA, but I do know that I elicited a response from him when I called him on some inflammatory and untrue stuff he posted by writing him at the MTA website. The current voluntary education program is insufficient.

If we are going to allow trapping, then we need to have quality education from a broader base of understanding than can be offered solely by trapping advocates and practitioners. There are other sides to the story. Trapping education should include opposing views as well as proponent perspectives. Wildlife biologists, veterinarians and other objective presenters could provide a larger understanding of issues related to pain, suffering, and the actual impacts, positive and negative, of trapping. To ensure validity, trapper

education should be provided by the state, not by an advocacy group. The state needs to know that trappers know the rules if we are going to allow them to engage in this violent activity with such a clear potential to inflict pain and suffering on other species

I also support mandatory check times, posting, and the mandatory reporting of caught domestic pets and other non-target species. It is time to move past the shoot, shovel, shut up mentality of years gone by and provide legal recourse when crimes are committed. Trapping is currently run on the honor system in Montana and it is not working due to the simple fact that not all trappers are honorable. I believe that the proposed law reforms will help trappers by allowing the public a way to make any appropriate distinction that exists between bad trappers and all trappers.

The issue before you is not some nebulous concept like animal rights that can be debated ad infinitum, this is about human wrongs and you have been presented with an excellent opportunity to do something about them, by providing substantive and quality education up front to facilitate good future decision making on the part of those who choose to listen, and by providing swift and sure consequences for those who decide not to take heed. Thanks for your time and interest.

Brian Cherry
POB 165
Victor, MT 59875

tiomontana@netscape.net

January 21, 2005

The TIO Manifesto

On December 22, 2004 Peg took our Great Pyrenees, Tio, for a walk with our other dogs. Tio did not return and we began searching for him as soon as I could get home from work. Peg had notified neighbors and others that Tio was missing. The moon was bright that night and we continued searching until late. No luck. I was up at 5:30 the next morning searching again and returned home at 8:00 AM to call neighboring landowners to learn whether or not there were traps in the area. We have lived here for nearly 20 years and are aware there are hazards.

One neighbor acknowledged that a trapper was working their place north of here for coyotes. I was given his name and I called immediately to notify him that Tio may have been caught in one of his traps and to enlist his assistance in our search. The trapper said he had just returned from checking his trap line and told me that he had seen no sign of Tio, that his traps weren't big enough to hold a dog that large, that he would let us know if he saw him, and that, by the way, he had seen some wolf tracks so don't be surprised if your dog doesn't come back.

The truth is that this guy had just come back from killing Tio and was evidently so unmoved by the experience that he could have a friendly, lying chat with the owner of the dog he had just shot. But we didn't know that then and we continued searching throughout the Christmas weekend. We logged about 40 hours of walking the hills after talking to the trapper and we concentrated on areas away from his trap line, figuring that he would notify us if he saw anything.

Finally, though, on Sunday we decided I would walk out through the neighbor's place (where we have always had permission to walk with our dogs, by the way) and see what I could find. I planned to search out the trap line and check traps for Tio. I came to a large leg-hold trap around which the ground was bare of snow, as if an animal had been caught there Wednesday night, the last night snow had fallen. Further inspection revealed a pool of blood, some white fur, and a trail in the snow where something large had been dragged off toward a ravine.

By then I knew what to expect. Sort of. But I wasn't really prepared for the sight of my big, gentle dog lying there frozen in the snow with two bullet holes shot down through the top of his head.

When again able, I resumed walking and met up with Peg, as planned, and delivered the sad news. We proceeded to the trapper's home and confronted him on his cruelty and his duplicity. He admitted that he had shot the dog on Thursday morning before talking to me. He said the dog's foot was mangled (it was not), he said he thought maybe the dog was chasing cows (hard to do with your foot in a trap and a mile from the nearest livestock); he said he was tired of catching dogs in his traps. He showed no remorse, he did not apologize. He did not offer Tio's viciousness or the threat he posed as an excuse for killing him.

We called the game warden who returned my call a day later, after first having talked to the trapper. The game warden acknowledged that an unlawful act had been committed by the trapper but said that no fish and game rules had been violated and that no citation would be issued. We called the Sheriff's Department and the officer there also acknowledged that the trapper shouldn't have shot the dog and agreed to file an incident report. He also took the time to lecture me on letting dogs run free and seemed uninterested that we had landowner permission to let our dogs run free on that property.

We contacted the County Attorney's office and were told that they will review the case if the report is forwarded to them. We then contacted the Sheriff requesting follow-up and were informed that, given the way that current laws are written, there is nothing he can do. We are currently considering filing suit in civil court but are first attempting to research the law to determine for ourselves if, as the trapper states in a recent newspaper article, the law is on his side.

The game warden seems to think that it means something that this is the first time in his twelve years of being a game warden that he has been notified of a dog being shot while in a trap. We think it means something, too: that we had the time to look long and hard and that we were fortunate enough to have the truth revealed in the snow. Not knowing doesn't mean it hasn't happened. Shoot, shovel, and shut up is a hard tactic to counter in country as wild as this.

We also think that this episode is evidence of the emptiness at the heart of the 'sport' of trapping and of the ethical bankruptcy of, at least, some those who engage in such legalized cruelty. We think it is clear proof of the need for more guidance in the form of increased regulation and supervision. At the very least:

- 1) Every trapper should be required to have a license. No license is now required for trappers of predators.
- 2) To be issued a trapping license, the applicant should be required to complete an education class detailing concerns and responsibilities related to the holding of such a public trust. Currently, education is optional and presented by the true believers of the state trapping association and, as such, lacks breadth and objectivity in their consideration of issues involved. Education must be made the responsibility of the regulating agency and must also be subject to civilian oversight.
- 3) 48 hours, as currently *recommended*, is too long a period of time to leave traps unchecked because, quite simply, and contrary to trapping association dogma, animals do feel pain and they do suffer from being tethered by their clamped leg to a stake in the ground or left hanging by a paw from a tree branch. If one is allowed, in our name, to perpetuate such cruelty, he should be *required* to check his traps every 12 hours.
- 4) Traps pose a threat to the larger community and notification of traps in the area is not too much to ask. And
- 5) Trappers should be, by law, required to make every possible attempt to remove non-target animals, including dogs and cats, from their traps and to notify MFWP of having done so.

The measures listed are the minimum necessary to implement a small measure of accountability and to indicate that the citizens of this state recognize the possible harm represented by trapping. If, as some will no doubt suggest, we lack the resources to adequately regulate an activity with the inherent potential to inflict pain and cruelty to other species, then perhaps it is time to reconsider the viability of that activity.

The stated judgment of the Sheriff's Department is that it is a larger offense to let your dog run than it is for a vindictive person to shoot him. Needless to say, we find this position untenable. We accept our responsibility for naively allowing Tio to run in an area where we thought he would be safe to do so. But we submit that there is a significant difference between letting a dog run free and putting a bullet in that dog's brain. If the current law, either as written or as enforced, cannot make that simple distinction, then we believe it is our responsibility to ensure that, in the future, it can.

Brian Cherry
Peg Klouda

tiomontana@netscape.net

Montana Code Annotated MCA

[Previous Section](#) · [MCA Contents](#) · [Part Contents](#) · [Search](#) · [Help](#) · [Next Section](#)

81-7-401. Killing of dogs harassing, destroying, or injuring stock -- notice to owner -- penalty. (1) As used in this section, "harasses" means worries, chases, or runs after livestock, including ostriches, rheas, and emus, in a manner that may lead to subsequent injury to the livestock.

(2) A dog, whether licensed or not, that, while off the premises owned or under control of its owner and on property owned, leased, or controlled by the livestock owner, harasses, kills, wounds, or injures livestock not belonging to the owner of the dog is considered a public nuisance and:

(a) may be killed immediately by the owner of the livestock or an agent or employee of the owner; or

(b) the owner of the dog, when reasonably notified after due process, shall kill the dog within 24 hours of notification. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed.

(3) A dog may not be killed in a manner that will endanger a person.

(4) This section does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

(6) The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.

History: En. Sec. 1, Ch. 142, L. 1933; re-en. Sec. 3417.15, R.C.M. 1935; R.C.M. 1947, 46-1916; amd. Sec. 1, Ch. 106, L. 1993; (6)En. Sec. 2, Ch. 106, L. 1993; amd. Sec. 12, Ch. 206, L. 1995.

Provided by Montana Legislative Services

One would think these people would be rallying behind gun control, not trap control. But,...that wouldn't make as big of splash in the news.

Posts: 311 | From: Illinois | IP: Logged |  Report Post

Marty Phipps

Trapper
Member # 369

 posted 02-11-2005 03:15 PM    " "

An e-mail that I just sent...

Condolences,

Sorry to hear about your dog, as I just finished reading the article. My question is what does this article have to do with trapping?

Trapping is only an issue in this article because somebody wants to make it one. The trap did not kill the dog, the bullet did. The guy already said he would have shot it, even if it wasn't in a trap. This is a dog-shooter issue, not a trapping issue. It just happens that the shooter was also a trapper, and that the SHOT dog was also in a trap. The trapped dog could have just as easily been released unharmed. That is the beauty of trapping. It can be discriminate, unlike other forms of predator control such as poison.. If the SHOT dog had not been in a trap, it would not have made the news. Trapping, is what makes it news. One would think you would be rallying behind gun control, not trap control.

Once again, sorry to hear about your dog.

Marty Phipps

Posts: 311 | From: Illinois | IP: Logged |  Report Post

edder

Trapper
Member # 4787

 posted 02-11-2005 03:37 PM    " "

From what I understand this dog was seen many times away from its rightfull home and was apparently caught in the guy's trap - an MTA member - a minimum of three times and possibly more. This wasn't stated in the article.

Also, House Bill 603 - HB603 - has come about due to emotion and is going to hearing on 2/17/05.

If you haven't checked out the bill or the other information pertaining to this issue, please see the [Montana Trappers Assn](#) site for further info. All pertinent links are in red on the home page.

The representative that's pushing this bill belongs to one or more of the 'Wild Rockies' groups, which of course are enviro folks.

Ed IV
[Montana Trappers Assn](#)

Posts: 4 | From: Montana | IP: Logged |  Report Post

PACaller

Trapper
Member # 4141

 posted 02-11-2005 04:09 PM    " "

I can not believe how one sided this story is, and how the dog owners were seen as victims. People move into rural areas and think they can just let there dogs run loose. They do not realize what there dog is doing when it is out of site. I have personally seen dogs do this. The tail wagging

[02-11-2005, 03:30 PM: Message edited by: smellyskunk]

Posts: 16 | IP: Logged | Report Post

GUTPYLZ
Trapper
Member # 4331

posted 02-11-2005 06:01 PM

Is it me, or is it kind of ironic that the guy's name is Victor?

Hunting is all Smylz and Gutpylz!

Posts: 32 | From: Las Vegas, NV | IP: Logged | Report Post

TrappinJoe
Trapper
Member # 102

posted 02-11-2005 06:01 PM

Thank you for all the thoughts/feelings on this article. Please keep them coming.

Posts: 153 | From: Montana | IP: Logged | Report Post

edder
Trapper
Member # 4787

posted 02-11-2005 07:12 PM

Just an FYI and correction to an above post,...Victor is the town in Montana where this happened

Also, as an FYI...they are lurking on here...

Posts: 4 | From: Montana | IP: Logged | Report Post

[New Topic](#) [Post Reply](#)

Close Topic Feature Topic Move Topic
 Delete Topic

Previous Next

[Printer-friendly view of this topic](#)

Hop To: [Trapper Talk](#)

[Go](#)

[Contact Us](#) | [Trapperman,Com](#)

Copyright ©

Powered by Infopop Corporation
UBB.classic™ 6.6.0



Ethically, if the dog was tagged, it should have been turned loose, and the owner notified.
If the dog was not tagged, the shooter could not have known that it was not feral and I believe feral dog shooting to be legal in all states.

I admit, that it was cold of the guy to show no remorse to Mr. Cherry over the loss of his dog, whether legal or not, and worse yet to lie about it.

But I would like to say to Mr. Cherry, that none of his proposed trapping regulation changes would have saved the life of his dog.

A shot dog is just as dead in 12 hours as it would be under any time frame.

Mandatory trapper education would have nothing to do with the legality of shooting loose running dogs.

And all trappers are already required to be licensed.

To say that all trappers are equipped to kill dogs, therefore they must be cruel, heartless, and more closely regulated, is like the woman who says that all men are equipped to do the deed, therefore they must all be rapists.

I agree that coyote traps will indiscriminately catch dogs, but the man CHOSE to shoot. It could have been just as easily been released unharmed. Only if it were tagged would he have known it wasn't feral, and only if shooting tagged loose dogs without previous notification to the owner is illegal, was the man legally in the wrong.

Ethically, my choices would probably depend on the grooming of the dog, and/or a collar with tags.

Posts: 320 | From: Illinois | IP: [Logged](#) | [Report Post](#)

edder
Trapper
Member # 4787

 posted 02-12-2005 01:15 AM 02-11-2005 11:15 PM

  

If a resident lives in a Montana county there are no requirements to having your dog tagged or licensed nor is there a limit as to how many dogs you own. If you live in city limits, yes, you must have your dog tagged and licensed and the number of dogs may be limited. And, yes, there is a leash law in city limits and within each and every one of the 56 Montana counties. Is it enforced? Unfortunately not. There are too many laws and regs on the books that they can't enforce now the way it is...so we need more that can't be enforced? ☹

As for being able to shoot roaming/running dogs, yes, you may shoot them...especially if seen, currently or in the past, chasing livestock, game animals, etc. We have too many incidences of

this in this state. And, most ranchers have no problems with you dispatching wild roaming dogs. It ticks them off when they can keep theirs in check but the neighbor up the road doesn't. No different than if you lived in the city. We have friends who had a roaming dog kill a few sheep of theirs a few years back. The dog was constantly left to roam and always was at their ranch or another's some 5+ miles from his rightful home. The dog was eventually dispatched and the owner was fined big time which included having to pay for the sheep it killed.

Was the guy right in this instance? That's difficult to fully determine. It all depends on circumstances.

It's certainly difficult to understand how one incident, which could have been avoided in several means on both sides, is taken out on a group of folks through frivolous, repetitive and unenforceable legislation.

Maybe we need to introduce and pass legislation on taking an education course on how to properly take care of your pets and making folks become licensed by the state prior to owning or having a pet, with say, monthly welfare checks on how you're doing?!?

Posts: 6 | From: Montana | IP: Logged |  Report Post

castormound
Trapper
Member # 1198

 posted 02-12-2005 01:28 AM 02-11-2005 11:28 PM   
" "

I sent a message to the writer of the column, just expressing that I would like both sides of the story shown. The one thing I'm not seeing on this thread is the fact that the dog was probably 150 pounds or better, that presents a real and present danger to the trapper to release. I myself have released many dogs over the years and some were a hairy encounter. A dog of this size can inflict some real damage to a human, Repeat, this is a very large dog and maybe releasing or even getting close enough to check for a tag wasn't an option

Antelope, the original fast food

Posts: 54 | From: Cheyenne Wyoming | IP: Logged |  Report Post

edder
Trapper
Member # 4787

 posted 02-12-2005 01:42 AM 02-11-2005 11:42 PM   
" "

If you go to the original/top post and click on the link to the news article, you can see what kind of dog they're talking about and how big they are. It's the white one. By the way, ranchers also use these dogs to help protect their sheep from coyotes and such...and, yes, they can be very aggressive and