

Dogs' seizure sparks spat

**by Jesse Clements Express-News Staff Writer
01/03/97 Friday**

FLORESVILLE - Animal rights activists from three counties descended on a Wilson County dog breeder Thursday after a search and seizure warrant was issued for the property owner, alleging cruelty to animals.

However, after more than an hour of arguing and confusion, only eight out of 150 dogs on the property were confiscated, officers said.

A hearing has been set for Jan. 10 on the case, when a decision will be made as to whether the owners or the county should keep the eight dogs.

During the raid, the breeder called his veterinarian, who said he treated the animals on a regular basis and they all were well-fed.

The raid occurred about 10:45 a.m. at the home of Alan and Lois Brown, who have lived on the two-acre property on Texas 536, 2-1/2 miles west of here, for the past 30 years.

It was spurred by a report from John R. Helton, a representative of the Southern Animal Rescue organization of Guadalupe County.

Helton told reporters his group had received a complaint about conditions on the land and they agreed to investigate.

Helton said he and his wife, Tracy Frank, posed as buyers and visited the breeder.

"It was unbelievable," Helton said.

"There were dogs inside small cages all over the property, both inside and outside the house. The outside cages were muddy and feces were everywhere," he said.

Helton said he contacted Wilson County animal control authorities and the warrants were issued by Justice of the Peace Emilio Flores, based on Helton's description of conditions and a personal visit by an animal control officer.

About 20 animal rescue people in a dozen vehicles, ranging from panel trucks to pickups pulling trailers, including one from the Humane Society of Bexar County, arrived on the scene with Joseph L. Cicherski, Wilson County animal control officer, and numerous members of the news media.

That's when the Browns called their regular veterinarian, Dr. H.C. Brumlow of Floresville.

The animal rescue workers were told by Cicherski the search warrant authorized seizure "of all of the dogs."

They went from cage to cage, removing dogs and placing them in small transport carriers and carrying them away.

But on Brumlow's arrival, along with another veterinarian who was called to the scene by the county, the vets and officials began inspecting the confiscated animals. They agreed that only eight would be taken due to ill health.

Brumlow emphasized he was Brown's regular veterinarian.

"And I fail to see any of these animals that are ill-treated. They look pretty fat to me," he said.

After officers discussed the case at length, they decided not to make an arrest and to turn their findings over to other officials.

But Alan Brown was more adamant.

"You know, with this drought and cattle prices being what they are, we are just trying to make a living," he said. "There are calves lying dead in the fields all over this county because of no rain and people who don't have money to feed them."

He said his wife began breeding dogs as a hobby in 1987 with one pair; but when his farm failed, they turned to breeding dogs to put food on the table.

"But I feed these dogs well. And they have all been wormed. Why me? We have never been on welfare or food stamps, and I just can't believe this is America," Brown said.

Lois Brown complained bitterly to sheriff's officers that one of her prize stud miniature Dobermans was not accounted for.

"And they didn't even take the trouble to keep track of the right cages where they took them out and put them back," she said in tears.

Alan Brown said when the animal rescue people began returning the dogs to the cages, they were putting many of the wrong males with the wrong females.

Fighting, snarling and sexual activity quickly erupted.

"This is a whole year's work down the drain. We don't even know who bred who in all this mess. How are we going to get (registration) papers on their pups?" he questioned.

Cicherski admitted the situation could have been handled better, but he said due to budget limitations, he is the only one in Wilson County handling animal cruelty cases.

"We don't go out on these cases very often, but when we do, we usually have to ask animal rescue people to come along since we don't have any place to put the animals pending the hearing," he said.

He also explained that Texas has no law requiring animal breeders to be licensed by the state or other regulations. If it doesn't constitute cruelty as defined in the law, no action is taken.