



DATE: FRIDAY, JUNE 9th, 2006

**TO: AN OPEN LETTER TO ALL AKC DELEGATES, DOG SHOW
JUDGES, EXHIBITORS AND ALL OTHERS THAT CARE ABOUT
THE RIGHTS OF THOSE WITHIN THE DOG SHOW WORLD**

FROM: THE SENIOR CONFORMATION JUDGES ASSOCIATION (SCJA)

The American Kennel Club Board and staff have embarked on aggressive, very questionable actions against other legally constituted kennel clubs, and in the process, they have ensnared the AKC judges in their net. According to the May 2006 AKC Board minutes, the AKC Board will decide which organizations will be blacklisted for their judges and which will meet the exceptions to their newly-adopted policy. The Board also ruled that any AKC-approved judge, who shall judge a purebred dog event in the U.S. not in accordance with the rules of AKC, which apply to such purebred dog events without the express permission of the AKC, may be disciplined even to the extent of having his or her AKC judging approval revoked. This applies to every AKC judge. Stop and think of you, with your own life to live - a school teacher, lawyer, doctor, CEO, lab technician, computer programmer, supervisor or whatever, must call an individual in the AKC Judges Department to ask permission for you to enjoy a weekend anywhere in the country to judge a dog show whether you charge a fee or just enjoy judging. Forget the fact that you will be gaining experience judging dogs. This matters not. The very fact that the AKC mandates that all judges call is intimidating to a judge so that judges will think twice before they call in order not to get on AKC's list of judges judging for other registries. Heaven forbid you don't dare do anything to get the AKC Judges Department unhappy with you. Are we still in the good old USA, land of the free? Not if you are an AKC judge. A good many people have indicated they believe this is an abuse of power and a violation of federal statutes.

Initially the AKC Board is focusing on other organizations which register dogs or hold dog show or obedience-like competitions. For the moment, field event organizations, agility clubs and licensed dog show superintendents are exempt, but for how long? And who will be next?

In taking the action, a good many of the judges, Delegates and others believe the AKC Board has trampled on the rights afforded them under the *Charter and Bylaws of the American Kennel Club, Inc.* to say nothing of their constitutional rights, both federal and state, and under various statutes. In the process, the AKC Board has usurped the authority of the Delegate Body.

Many of us are convinced that a good number of responsible individuals at various levels, including a good many of the Delegates, are simply not aware of the various provisions, rights and limitations placed on them respectively in the hundreds of pages contained in the numerous AKC publications.

We have newly elected AKC Board members being briefed by individuals on the AKC staff with less than a year in key positions. We say this to perhaps explain the possible reason for this latest assault on the sport. Many of our judges and scholars believe the recent action of the AKC Board is in violation of AKC's own Charter and Bylaws. Ignorance, of course, is no excuse. The fact a practice has been in place for a long period of time without being challenged does not exempt the practice from being a violation of the charter and bylaws.

The late Bill Kendrick, one of our most respected and beloved all-breed judges, often said “The Delegate Body is the sleeping giant within the AKC and one day they will awaken to realize and assert the rights granted the Delegate Body by the AKC Charter and Bylaws.” The time has arrived for each Delegate to make themselves aware of their duties under AKC's Charter and Bylaws and to stand tall and declare that the AKC Board cannot continue to make policy and guidelines and implement them as though they were “**RULES**”. Everyone should also realize the AKC Board cannot change a “**RULE**” by declaring it a policy.

We respectfully request each of you to read the quotes from AKC's Charter and Bylaws, which is the governing authority for the AKC. Read them carefully so that you will comprehend and understand the recent actions by AKC Board members, which many believe, thwart the rights of the Delegate Body granted “**SOLELY**” to them by AKC's Charter and Bylaws.

**“Charter and Bylaws of The American Kennel Club, Inc.
(Adopted January 5, 1909 Amended to September 14, 2004)**

**ARTICLE IX: BOARD OF DIRECTORS
GENERAL POWERS**

The Board of Directors shall have the general management of the business and affairs of the AKC and generally perform all duties appertaining to the office of director provided, however, that all the powers conferred by this Article of the Bylaws shall be exercised subject to all other provisions of these Bylaws and to the statutes of the State of New York and all amendments thereof and additions thereto. (Underline added)

The above article of AKC's Charter and Bylaws clearly states AKC Board members can run the affairs of the AKC provided they comply with “...all other provisions of these Bylaws...” **THERE ARE NO EXCEPTIONS!** With this thought in mind, we refer you to ARTICLE XIX of AKC's Charter and Bylaws (below) entitled “**RULES**”. As you know from reading the above paragraph, the AKC Board **MUST** comply with this ARTICLE.

“ARTICLE XIX: RULES

The Delegates to the AKC shall have sole power to make the Rules governing dog shows and field trials and the clubs or associations formed to conduct them.”

This article is on the **“RULES”** as part of AKC’s Charter and Bylaws, and it covers **“DOG SHOWS”** – at **“DOG SHOWS”**, we have **EXHIBITORS** – we have **DOGS** – we have the local **KENNEL CLUB** putting on the show and we have **JUDGES** that are very much a part of the show. One cannot separate the **JUDGES** from the show. Only the Delegates have authority to make **“RULES”** affecting the above. This is abundantly clear. The **Delegates alone** have the **“SOLE”** power to make the **“RULES”** or change the **“RULES”** governing dog shows. With this thought in mind, we refer you to AKC’s *Rules Applying to Dog Shows*:

“Rules Applying to Dog Shows

CHAPTER 7 JUDGES

SECTION 1. *Any reputable person who is in good standing with The American Kennel Club may apply for approval to judge any AKC recognized breed or breeds of purebred dogs, which in his or her opinion he or she is qualified by training and experience to pass upon, with the following exceptions:*

Persons connected with any publication in the capacity of solicitor for kennel advertisements, persons connected with dog food, dog remedy or kennel supply companies in the capacity of solicitor or salesman, persons who buy, sell and in any way trade in or traffic in dogs as a means of livelihood in whole or in part, professional show superintendents and their employees, and persons who show dogs for others will not be approved if still engaged in such activities.”

There is no exception above for anyone connected in anyway to another registry or who judges dogs at another organization’s shows. Nor does it allow the AKC Board of Directors to name its own exception. Remember, the **Delegates alone** have **“SOLE”** authority to make and change the **“RULES”**. **THE TIME HAS COME FOR THE DELEGATES TO ASSERT THEMSELVES.**

The AKC Board rightly has a reading for the Delegates with a subsequent vote on the issue of adding restrictions on a Delegate’s eligibility. The Delegates are aware this issue is coming up for the reading before the Delegate Body at its June 2006 meeting in North Carolina, and the wording in the exception being proposed for the Delegates is very

similar to or exactly the same to that of the exception that the AKC Board has arbitrarily, and without the Delegates' approval, imposed on its AKC judges. The Senior Conformation Judges Association has no comment on the reading the Delegate Body will consider at their June 2006 meeting concerning the additional exception to become a Delegate. We say this since it is strictly up to each of you as a Delegate on how you feel about this exception for your own Delegate Body.

However, the SCJA takes strong objection to the AKC Board not allowing our representative Delegates to vote on these same exceptions for the AKC judges. This is further evidence of the AKC Board's continued arbitrary and dictatorial administration of its judges without any consultation or approval of the Delegate Body. Ask yourself what affect on policy or administrative matters in running the affairs of the AKC a judge would have standing in a ring evaluating a dog. A Delegate perhaps might have some influence, but by no stretch of the imagination can a judge performing his duties at a dog show affect the administration policy making of the AKC.

Another questionable AKC Board action concerning AKC's Charter and Bylaws:

“ARTICLE X: BOARD OF DIRECTORS SPECIFIC POWERS

SECTION 9. *The Board shall have the power to issue and revoke licenses to Judges, Superintendents of Purebred Dog Events and Handlers of Dogs.”*

For many, many years, the AKC Board did exactly this. They approved, or disapproved, individuals applying to judge for AKC shows. For well over 40 years, AKC Board members could not apply to initially judge, nor could they apply for additional breeds. This for the very obvious reason – that it would be a conflict of interest. However, within the past few years, certain individuals on the AKC Board proposed, and the rest of the Board agreed, that they would absolve themselves of the responsibility dictated to them in ARTICLE X SECTION 9 above. But who did they pass this responsibility on to? Their subordinates – individuals within the staff – all of whom are employees of AKC. A good many people thought this was a mockery to think this was still **not** a conflict of interest. One often heard the questions asked, how many AKC Board members, or their spouses, were ever turned down for a breed request? The main point here is not the still apparent conflict of interest – it is that the AKC Board of Directors again, on their own, changed the AKC's Charter and Bylaws without the vote of the Delegate Body. We have been informed by ex-AKC Board members and a number of Delegates that this was done without the required vote from the Delegate Body. Remember, the AKC Board of Directors cannot change a bylaw without it going to the Delegate Body. Again, just because a practice is initiated does not make it legal. Again, the Delegate Body must assert itself and assure that the Charter and Bylaws of the American Kennel Club be upheld.

Worthy of note – the SCJA was promised at a meeting with the full AKC Board of Directors present and two representatives from each of the three national judges groups that the three judges groups would be consulted on any significant change affecting our judges. No notice was given by AKC to any of the three national judges organizations on this most significant change affecting every AKC judge.

For all the reasons enumerated above, the SCJA feels there is a need for a standing Delegates Committee on judging policies. This authority is granted to the Delegate Body in AKC's Charter and Bylaws:

“Delegate Standing Rule on Committees

V. The committees shall be organized as follows:

D. *From time to time, the Delegate Body may establish and charge additional standing committees.*”

The issue today - the AKC Board cannot change a **“RULE”** affecting our judges without the **“SOLE”** approval of the Delegates. We ask the Delegates to stand up and assert your rights and have your **VOICE** heard on behalf of our AKC judges. The AKC judges need the Delegates' support on this issue. By settling this issue, the Delegates can prevent a costly and time-consuming presentation to the proper authorities for a resolution of this obvious conflict.

THE DELEGATES SHOULD BE PREPARED - for what the AKC Board members, their advisors and others that attempt to take exception to the salient points made in the above summary might try to pull off by bringing up the authority granted the AKC Board in **“ARTICLE X in AKC's Charter and Bylaws”**. We refer you to **ARTICLE X:**

**“ARTICLE X: BOARD OF DIRECTORS
SPECIFIC POWERS**

“SECTION 4. All matters in dispute as to interpretation of the Rules or Regulations of the AKC shall be submitted to the Board for its construction, which shall be decisive.” (Underline added)

DON'T LET ANYONE INSULT YOUR INTELLIGENCE. BE PREPARED! This should be clear. But make your own judgment. SCJA's interpretation is that the only thing the AKC Board is permitted to interpret is if there is a dispute in the interpretation of an already existing **“RULE”** or regulation. The only thing there is to interpret is that which is already written. The AKC Board **CANNOT** add a few words and then interpret it. The AKC Board **CANNOT** change what is already written by adding a sentence or two to prove the way they want to interpret it. Believe it or not, we have had one individual take just that

stance. **SECTION 4 does NOT permit the AKC Board to change or create a new “RULE” or regulation.** That includes the fact that they cannot add an “exception” to an already existing “RULE” that the Delegates previously approved. **STOP AND THINK.** The Delegates are having a reading on “an exception” on who can be a Delegate that you will subsequently get to vote on, and this is 100% correct. What is **NOT** correct is that the AKC Board of Directors have added an exception to a “RULE” which is the authority for who can be a judge. The only thing is, the Delegates are not having a reading on it; the Delegates are not being able to discuss it. The AKC Board has changed a “RULE” (Chapter 7 JUDGES) by adding an “exception” and ipso facto, implements it or believe they have. In doing so, they have cast aside the authority vested “SOLELY” in the Delegates. Some of the Delegates themselves have said that if they don’t stand up to assert their rights to the power given them in AKC’s bylaws, there is little reason for their existence. Yes, folks, the word “power” is used in AKC’s bylaws, and it’s given to the Delegates.

One of the Delegates, very late in the preparation stages of this white paper, made an extremely salient point which they suggested we include the fact that we made it clear “all matters in dispute as to interpretation of the Rules or Regulations of the AKC...” is settled by the AKC Board. His point, which is very important, is that any major dispute between the power of the Delegates versus that of the AKC Board concerning the interpretation of **AKC’s Charter and Bylaws** in all likelihood can only be settled by the New York State Attorney General or a state or federal court (similar to the present dispute in our federal government between the Executive Branch and Congress).

Whereas this matter was brought to the attention of the AKC Board of Directors at its April 2006 meeting with a request that it not be implemented.

Whereas the AKC Board had a full month to study the ramifications involved in their proposed actions and to have realized it should have been brought before the Delegate Body for a reading and consideration for a subsequent vote as required by AKC’s bylaws.

Whereas the AKC Board, knowing full well ARTICLE IX of the bylaws, mandated that they follow the provisions of “ARTICLE XIX: RULES” of the bylaws did at their May 2006 meeting completely ignore the “SOLE” power invested in the AKC Delegate Body and without proper authority changed a “RULE” (CHAPTER 7 JUDGES SECTION 1 *Rules Applying to Dog Shows*) of the AKC by adding a restriction to the requirements to become an AKC judge.

The Senior Conformation Judges Association hereby respectfully requests the AKC Delegate Body to assert the “SOLE” power granted them under ARTICLE XIX: RULES which the AKC Board is mandated to follow under the provisions in ARTICLE IX **to declare null and void the action** taken by the AKC Board of Directors at their May 2006 meeting concerning changing CHAPTER 7 JUDGES SECTION 1 *Rules Applying to Dog Shows* by adding a restriction to become an AKC judge.