

GUARDIAN OPPOSITION TALKING POINTS, 2000

- Animal “guardian” is **inappropriate but intentional** use of “guardian” in a legal context -- a smoke and mirrors” device.
 - Deliberate association with the legal meaning of “guardian” is intended to undermine and eliminate the property status of animals. This concept is supported by published, scholarly materials.
- There are **2 meanings of “guardian.”** The meaning to guard or protect is a general, descriptive noun that is typically used to describe something else such as a dog that is a “livestock guardian” or a fictitious business name as can be found in the business listings in any phone directory. By distinction, the legal meaning refers to a person, authorized by a court and charged with duties and responsibilities to care for an incompetent person, either a child or an adult depending on state law.
 - A **legal guardian has no rights** as a guardian but stands in a fiduciary relationship to the ward
 - **Property rights are protected by legal, due process rights** and are the foundation of capitalist social, political and economic system.
- Proponents offer **no evidence to support claim that mandated or legislated use of terminology changes human belief or behavior.** Language functions to socially exclude when objectionable.
 - The Boulder ordinance substitutes “guardian” for “owner” in all contexts, but the proposal in San Francisco would have used “guardian” only for shelter adoptions and “owner” for all others, but all the equivalent of legal owners.
 - “Property” in our society includes our most personal possessions – jewelry, photos, family heirlooms, personal memorabilia and artwork that is retrieved from disaster evacuations and retained through relocations and estrangement of families including children.
- Laws governing animals already reflect conflicting interests where the government itself authorizes seizure, forfeiture and destruction of animals – owned or not without any regard for the animal or by giving priority to society’s interests in protection from alleged danger posed by the animal or costs associated with its care. No proposed terminology would address this devaluation of animals by the government nor does it provide incentive or reward for any “guardian” inspired changes in attitude.
- The common understanding of “guardian” is a legally necessary but undesirable status resulting from a child not having a parent or an adult unable to care for himself. The person who assumes the role of “guardian” is supervised in that role and may be removed if the imposed duties are not performed or may resign if the duties are too burdensome.
- The nature of guardianship is fiduciary and for the benefit of the ward, not the guardian, whereas the ownership of animals is a personal expense, often at the expense of other interests such as housing or even employment or relationship opportunities. This expense is incurred because the owner perceives benefits worth the cost and subject to legal property rights and protection.