

SUPPORT S. 382 / H.R. 817 — THE ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT

Senator John Ensign (R-NV) introduced S. 382 and Representative Mark Green (R-WI) introduced H.R. 817 to establish felony-level jail time (up to 2 years) for violators of the federal animal fighting law. Their bills amend Title 18 of the U.S. Code to strengthen the maximum jail time from the 1-year misdemeanor level in current law. The bills also will prohibit interstate and foreign commerce in knives and gaffs designed specifically for cockfighting. This legislation is identical in effect to S. 736 / H.R. 1532 in the 108th Congress.

Dogfighting and cockfighting are inhumane and barbaric activities. In a typical fight, animals are drugged to heighten their aggression and forced to keep fighting even after injuries such as pierced lungs and gouged eyes – all for the amusement and illegal wagering of handlers and spectators. Dogfighting and cockfighting are also associated with other criminal conduct, such as drug traffic, illegal firearms use, and violence toward people. Children are often present at these spectacles. Some dogfighters steal pets to use as bait for training their dogs; some allow trained fighting dogs to roam neighborhoods and endanger the public.

Felony penalties are needed. Misdemeanor penalties don't provide a meaningful deterrent; they're considered a "slap on the wrist" or "cost of doing business." And prosecutors are reluctant to pursue animal fighting cases with just a misdemeanor penalty. Since the federal animal fighting law was first enacted in 1976, authorities have pursued only a handful of cases, despite receiving innumerable informant tips about illegal interstate activity and requests to assist with state and local busts and prosecutions.

The House and Senate already passed felony penalties for animal fighting. In 2001, both chambers overwhelmingly approved a provision authorizing up to two years of jail time for animal fighting as part of their respective farm bills, but this felony language was struck in conference. The Senate also passed this as part of its 2003 Healthy Forests bill, but the animal fighting provisions and other unrelated items were struck in conference. In late 2004, the House Judiciary Committee approved a bill identical to S. 382 / H.R. 817.

The Animal Fighting Prohibition Enforcement Act brings federal law in line with state laws. When the federal animal fighting law was enacted in 1976, no states made animal fighting a felony. Today, dogfighting is a felony in 48 states, and cockfighting is a felony in 31 states. The number of states making animal cruelty a felony has risen from just 4 states in 1976 to 41 states today. State laws commonly authorize jail time of 3 to 5 years or more for animal fighting.

Other recent federal animal protection laws that amended Title 18 of the U.S. Code have felony penalties. In 1999, Congress authorized imprisonment of up to 5 years for interstate commerce in videos depicting animal cruelty (P.L. 106-152), and mandatory jail time of up to 10 years for willfully harming or killing a federal police dog or horse (P.L. 106-254).

There is no reason to allow interstate and foreign commerce in sharp implements designed exclusively for cockfights. Razor-sharp knives known as "slashers" and ice pick-like gaffs are attached to the legs of birds to make cockfights more violent. These weapons, used only in cockfights, are sold through cockfighting magazines and through the Internet.

The animal fighting industry continues to thrive across the U.S. All 50 states ban dogfighting, 48 states ban cockfighting, and there has been a dramatic increase in the number of animal fighting raids by state and local authorities. Yet numerous nationally circulated animal fighting magazines still promote these cruel practices and advertise fighting animals and the accoutrements of animal fighting. There are also several active websites for animal fighting enthusiasts, and paid lobbyists advocating animal fighters' interests.

Cockfighters have spread Exotic Newcastle Disease (END) and pose a continuing threat to farmers and public health. As Agriculture Secretary Ann Veneman said in a 5/24/04 letter indicating the Bush Administration's endorsement of the animal fighting felony legislation, cockfighting has "been implicated in the introduction and spread of exotic Newcastle disease in California in 2002-2003, which cost U.S. taxpayers nearly \$200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets....We believe that tougher penalties and prosecution will help to deter illegal movement of birds as well as the inhumane practice of cockfighting itself." END spread to large-scale egg farms in AZ, NV, NM, and TX, as well as CA. According to government officials, interstate and international transport of fighting birds posed the greatest risk of transmission, since cockfighters move their birds around so much and participants from as many as a dozen states may gather at illegal fighting derbies. Cockfighting has also been implicated in the deaths of at least four children in Asia in 2004 who were exposed through cockfighting activity to bird flu. The National Chicken Council, which represents 95% of U.S. poultry producers/processors, has called on Congress to enact the animal fighting felony legislation, noting "we are concerned that the nationwide traffic in game birds creates a continuing hazard for the dissemination of animal diseases."

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