

Fact Sheet

Support S. 1880, H.R. 3219, and H.R. 3327 Legislation to Stop Dogfighting

In early 2007, after a six-year campaign by The Humane Society of the United States, Congress enacted a law to upgrade the penalties for interstate movement of animals for fighting, from a misdemeanor to a felony, and also to ban the interstate commerce in cockfighting weapons. In the wake of the high-profile indictment of NFL quarterback Michael Vick on federal dogfighting charges, and the national outrage over dogfighting crimes, new legislation has been proposed to further strengthen the nation's laws to combat the cruel practice of dogfighting.

Three bills—S.1880, introduced by Sen. John Kerry (D-MA); H.R. 3219, the Dog Fighting Prohibition Act, by Rep. Betty Sutton (D-OH); and H.R. 3327, the Federal Dog Protection Act, by Rep. Elton Gallegly (R-CA) and Rep. Earl Blumenauer (D-OR)—would make all participation in dogfighting, including being a spectator at a dogfight and possessing dogs for the purpose of fighting, a federal felony, and would increase the maximum penalty from three years to five years in prison. The Humane Society of the United States urges members of Congress to support S. 1880, H.R. 3219, and H.R. 3327.

Dogfighting is an inhumane and barbaric activity. In a typical fight, dogs are drugged to heighten their aggression and forced to keep fighting even after suffering broken legs, puncture wounds, dehydration, severe blood loss, and shock – all for the amusement and illegal wagering of handlers and spectators. Dogfighting is 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.

A federal dogfighting ban is warranted. As demonstrated in the Vick indictment – and by the many law enforcement records, animal welfare reports, and economic studies – the dogfighting industry has become nationwide in scope, and Congress is well within its authority to address both the nationwide framework and localized branches that are a critical part of that extensive criminal venture. In 2005, the Supreme Court made clear in *Gonzales v. Raich* that Congress' authority under the Commerce Clause extends to local activities that are an integral component of interstate criminal activities. The high-stakes gambling, sales of fighting dogs for as much as tens of thousands of dollars per animal, sale of “stud” privileges for mating with winning dogs, traffic in specialized equipment to train and house fighting dogs, handling, training, and courier services to transport dogs to matches are among the ways that dogfighting – an inherently commercial and economic activity – substantially affects interstate commerce. In addition, dogfighting burdens interstate commerce by increasing the risk of injury or disease to both animals and humans, including dog bites, rabies, heartworms, and harm to stolen pets used as bait, as well as the enormous financial burden that dogfighting puts on animal shelters as they struggle to care for abandoned fighting dogs.



THE HUMANE SOCIETY
OF THE UNITED STATES

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2100 L Street, NW Washington, DC 20037

t 202.452.1100 f 202.778.6132 humanesociety.org

There is ample precedent for Congress to allow prosecution of dogfighting cases without requiring proof of interstate movement of the particular dogs in each case. For example, in dozens of federal criminal prohibitions on the local creation, possession, and sale of narcotics and narcotic-making equipment, Congress recognized that the illicit drug industry had become nationwide in scope, and chose to exercise its Constitutional power to address the localized branches of that extensive criminal venture. Likewise, this bill responds to the proliferation of dogfighting into a nationwide criminal network of local ventures, which Congress is authorized to address.

There is a national consensus on the issue of dogfighting. All 50 states make dogfighting illegal. It is a felony in 48 states, and a federal felony for interstate dogfighting activities. There is a national consensus that dogfighting is illegal and inhumane, and we need a national policy to help crack down on this cruel and degrading bloodsport.

A stronger dogfighting law is needed. Although all states have laws against dogfighting, some of those laws are not strong enough. Dogfighting is a felony in 48 states, but is only a misdemeanor in Idaho and Wyoming. In Georgia, Idaho and Nevada, possession of dogs for fighting is legal, while it is a misdemeanor in four other states (possession of dogs for fighting is a felony in 43 states). In Georgia and Hawaii, it is legal to be a spectator at a dogfight. In 26 states, spectators can be charged with a misdemeanor crime; in 22 states it is a felony. A strong federal law that addresses dogfighting, possession, and spectators, will further crack down on this criminal activity.

The Michael Vick case has awakened the nation to the horrors of dogfighting. But sadly the case against Vick is not isolated. Dogfighting occurs in all corners of our country, impacting hundreds of thousands of animals every year, and also our communities. Indeed, it's estimated that there are more than 40,000 professional dogfighters nationwide, and 10 underground dogfighting magazines. A shelter in Mississippi recently reported that, of the 300 pit bulls they took in last year, more than 60% had evidence of dogfighting.

We must address spectators and possession to get at the heart of the multi-million dollar dogfighting industry. In any one dogfighting match, in any one city in the country, tens of thousands of dollars, sometimes even hundreds of thousands of dollars, are often at stake. For example, last year in Texas, Thomas Weigner was killed allegedly for the more than \$100,000 he won at a dogfighting match. But it's not only those who participate in the dogfights, it's the spectators themselves who feed this barbaric industry for their own sense of bloodlust and gambling. We must address those who fight these beleaguered animals, those who breed dogs for the purpose of fighting, and those who make it profitable by attending dogfights. These are the people who drive the industry, and who incite the cruelty.

Federal law enforcement efforts can be enhanced with the assistance of local agencies and nonprofit organizations. H.R. 3327 authorizes supplemental enforcement by animal control agencies and local humane societies and societies for the prevention of cruelty to animals (SPCAs), with notice to the USDA so that the agency may intervene in any case. Given limited federal resources, it makes sense to allow these local authorities to aid in enforcing the dogfighting prohibitions by bringing civil suits to enjoin violators.