



**Testimony by Wayne Pacelle
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Before the Subcommittee on Crime, Terrorism, and Homeland Security
on the subject of H.R. 137 – “The Animal Fighting Prohibition Enforcement Act of 2007”
2141 Rayburn House Office Building
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Thank you, Mr. Chairman, for the opportunity to testify in support of H.R. 137, the Animal Fighting Prohibition Enforcement Act. I am Wayne Pacelle, president and CEO of The Humane Society of the United States, the nation's largest animal protection organization with 10 million members and constituents – one of every 30 Americans. The HSUS has worked to combat animal fighting since our organization's inception in 1954, conducting animal fighting workshops for law enforcement, publishing a manual for law enforcement personnel, and collaborating with law enforcement agencies in investigating and raiding illegal animal fights. Our investigators have been undercover at dogfights, cockfights, and hog-dog fights, documenting animal abuse, gambling, and other illegal conduct. We have worked extensively at the state and federal level in advocating for the adoption of strong anti-animal fighting laws, and we have sought funding and provided training for enforcement.

I want to thank the primary authors of the legislation – Elton Gallegly, Earl Blumenauer, and Roscoe Bartlett, who have been dogged in their determination to crack down on this criminal conduct in the United States. I also thank Representatives Collin Peterson and Robert Andrews, who, at one time or another during the past seven years, have been authors or co-authors of bills or amendments in Congress to crack down on animal fighting activities.

H.R. 137 has 300 cosponsors – more than two-thirds of the House -- and included among the cosponsors are 30 members of the Committee on the Judiciary. An identical Senate companion bill, S. 261, introduced by Senators Maria Cantwell, John Ensign, Arlen Specter, and Dianne Feinstein, also has a long list of cosponsors, and a nearly identical bill was approved by unanimous consent in that chamber in April 2005. The House and Senate bills have more than 500 endorsing groups, including all major humane organizations, the American Veterinary Medical Association, the National Chicken Council, the National Coalition Against Gambling Expansion, the National Sheriffs' Association, and nearly 400 local law enforcement agencies covering all 50 states. The only organizations opposing the legislation are cockfighting, dogfighting, and hog-dog fighting organizations. No legitimate agricultural groups or law enforcement groups oppose this legislation, to our knowledge.

History of Animal Fighting Issue in Congress and Scope of Proposed Legislation

Congress first passed legislation to combat animal fighting just more than 30 years ago. In 1976, the House overwhelmingly passed amendments to the Animal Welfare Act (7 U.S.C. 2156) to create a new section of the Act to bar any interstate transport of animals for fighting purposes. The Senate passed legislation banning interstate transportation of dogs for fighting, but did not include the anti-cockfighting language. When the matter went to conference, lawmakers retained anti-cockfighting language, but created a loophole that allowed interstate transport of fighting birds to states, territories, and countries where cockfighting was legal.

In 2002, the House and Senate approved provisions in the Farm bill to close that loophole and to ban any interstate or foreign transport of fighting animals, including birds. Both the House and the Senate also passed enforcement provisions to make any violation of the section a felony. (Representative Blumenauer and Senator Ensign were the authors of these amendments). But when the Farm Bill went to conference – even though the animal fighting provisions in the House and Senate bills were identical -- the upgrade in the jail time was removed, and the penalties for violating the law remained as misdemeanor penalties.

Under current federal law, it already is illegal to:

- 1) Sponsor or exhibit an animal in an animal fighting venture if the person knows that any animal was bought, sold, delivered, transported, or received in interstate or foreign commerce for participation in the fighting venture.
- 2) Knowingly sell, buy, transport, deliver, or receive an animal in interstate or foreign commerce for purposes of participation in a fighting venture, regardless of the law in the destination.
- 3) Knowingly use the Postal Service or any interstate instrumentality to promote an animal fighting venture in the U.S. (e.g., through advertisement), unless the venture involves birds and the fight is to take place in a state that allows cockfighting. As explained on USDA's website explaining the federal animal fighting law, "In no event may the Postal Service or other interstate instrumentality be used to transport an animal for purposes of having the animal participate in a fighting venture, even if such fighting is

allowed in the destination state.”

Current law applies to dogfighting, cockfighting, hog-dog fights, and other fights between animals “conducted for purposes of sport, wagering, or entertainment,” with an explicit exemption for activities “the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting.”

H.R. 137 seeks to import the animal fighting provisions of the Animal Welfare Act and place them in Title 18, and to build on them by authorizing jail time of up to three years for violations of federal animal fighting law, and to create a new crime prohibiting interstate and foreign commerce in the primary implements used in cockfights.

Federal Animal Fighting Law is Unquestionably Constitutional

There is no question that Congress has the power to ban the interstate transport of fighting birds. Indeed, the 2002 amendments making interstate transport a misdemeanor have already been upheld in the federal courts.

Shortly after the 2002 amendments, the United Gamefowl Breeders Association (UGBA) and other cockfighting interests challenged the measure in Federal District Court in Lafayette, La., claiming among other things that the measure exceeded Congress’ authority under the Commerce Clause. The court rejected every claim raised.

In an extensive opinion, Judge Rebecca F. Doherty – who was nominated to the federal bench by George H.W. Bush – concluded that the ban was a legitimate exercise of Congress’ power to regulate interstate commerce because Congress was aware when it enacted the ban that “a substantial amount of money was expended annually as a result of the flow across state lines of gamefowl for the purpose of cockfighting ventures.” *UGBA v. Veneman*, No. 03-970 (W.D. La. May 31, 2005). Judge Doherty unequivocally rejected the argument that Congress lacks the power to restrict immoral uses of the channels of interstate commerce, explaining that “it is no argument against congressional authority to declare that Congress is acting on ‘moral’ grounds against those committing acts which an overwhelming majority of states have declared to be criminal.”

Cockfighting interests elected not to file an appeal.

A few days later, a three-judge panel of the Court of Appeals for the Eighth Circuit reached the same decision, rejecting a nearly identical suit claiming that the nationwide ban violates the Commerce Clause, is unconstitutionally vague, and effectuated a “taking” of private property in violation of the 5th Amendment. *Slavin v. USA*, 403 F.3d 522 (2005). Here again, there was no appeal.

In the face of multiple federal court decisions declaring that the current misdemeanor provisions banning interstate transport are consistent with the Commerce Clause, the Due Process Clause, and Supreme Court “takings” jurisprudence, there really are no plausible legal arguments against enacting felony penalties for these prohibitions.

But the cockfighters have nonetheless been creative in trying to evade the law in the field, and have hatched some novel if implausible legal theories. Some cockfighters apparently thought they could get around state and federal law and continue their enterprise as long as they staged their fights on Indian land. Such schemes are prohibited under current federal law, and will continue to be prohibited under the legislation before us today. Just more than a week ago, a federal jury convicted four men - three from Oklahoma and one from Texas - for being spectators at a cockfight held in Indian country, and close to 70 others entered guilty pleas. As the U.S. Attorney said, “gamefowl enthusiasts should know that tribal lands offer no ‘safe haven’ for animal fighting.”

Background on Animal Fighting Practices and State Laws

There exists a virtual national consensus that animal fighting should be a crime. Massachusetts was the first state to ban animal fighting in 1836, and a majority of states banned the activity during the 19th century, indicating that this activity offended basic American sensibilities relating to cruelty to animals more than a century ago.

All 50 states now ban dogfighting, and cockfighting is prohibited in 48 states. Voters have approved ballot initiatives in Arizona, Missouri, and Oklahoma in the last decade to outlaw cockfighting in those states and to make it a felony in each of them. Cockfighting is legal only in parts of Louisiana and New Mexico, and reputable public attitude surveys reveal that more than 80 percent of citizens in each of those two states want to see cockfighting outlawed and made a felony; dogfighting is already a felony in both states. We expect to see both states ban cockfighting in 2007. In recent years, the practice of hog-dog fighting has come to light, principally in the South. Once learning of the phenomenon, state lawmakers have reacted swiftly. Alabama, Louisiana, North Carolina, Mississippi, and South Carolina have passed legislation specifically banning hog-dog fights within the last two years.

Animal fighting raids have gone up dramatically in recent years. There are busts each week, and these busts reveal two things: first, animal fighting is very widespread and is conducted through the United States, and second, law enforcement, including federal authorities, are taking the matter more seriously than ever. Passing H.R. 137 will give federal and state authorities more tools to crack down on interstate and foreign movement of fighting animals.

There are three nationally circulated, above-ground cockfighting magazines -- Grit & Steel, The Feathered Warrior, and The Gamecock—that collectively have nearly 20,000 subscribers, and there are numerous web sites such as Pitfowl.com and Gamerooster.com. There are at least 10 underground dogfighting magazines. Strong state and federal laws, along with adequate enforcement, are needed to crack down on illegal operators and deter individuals from participating in this conduct.

All animal fighting spectacles operate on the same principles. Animals are typically bred for fighting purposes, and trained for fighting. They are placed in a pit – often after they are provided with stimulants to make them more aggressive or blood-clotting drugs – with another animal and then goaded to fight.

Dogfights may last several hours, and it is not unusual for one or both dogs to die from blood loss or shock, as a result of hundreds of bite wounds. Cockfighting roosters have knives or gaffs attached to their legs, and the birds kick one another, with the strapped weapons piercing lungs, gouging eyes, and inflicting other grievous wounds. In hog-dog fights, boars' tusks are cut off and they are placed in a pen. One or more pit bulls are then released, and the dogs attack the hog, resulting sometimes in the ears of the boar being torn off or their jowls being ripped open. Most of the injuries are sustained by the hogs, not the dogs.

The people who instigate and watch animal fights enjoy the spectacle, just as people in ancient Rome watched staged fights between gladiators or animals. Dogfighters profit by setting higher stud fees for winning dogs. The puppies of champion fighters are sold for \$1,000 a dog or more. A successful cockfighter can sell a breeding trio, a cock and two hens, for several thousand dollars. The cost of raising that rooster and two hens is minimal, but the profits are substantial. Fighting animals are sold to people across state lines, with the cockfighting magazines providing hundreds of ads for "breeding trios." With the misdemeanor penalties in existing law offset by such large profits, the fighters do not even think twice before shipping these animals all over the country. The other prime motivation is illegal wagering, as spectators gamble on the combatants. No state or local jurisdiction allows this form of gambling as a regulated, legal enterprise.

Animal Fighting Associated with Other Criminal Conduct

Dogfighting and cockfighting are often associated with other criminal conduct, such as drug traffic, illegal firearms use, gang violence, and murder. Some dogfighters steal pets to use as bait for training their dogs; trained fighting dogs also pose a serious threat to our communities. We have a pit bull epidemic in many cities throughout the nation, and dogfighting has played no small part in contributing to this problem and in introducing thousands of vicious and powerful dogs into our communities – threatening other animals, children, and even adults.

In January, The Humane Society of the United States worked with the Mecklenberg County Sheriff's Office in southern Virginia and an array of state and federal law enforcement authorities on a raid of a major pit near the North Carolina border. There were 145 arrests, and three-fourths of those charged came from North Carolina, where the state had adopted a strong felony law in December 2005. Because Virginia has one of the weakest anti-cockfighting laws in the country, the practice has surged in the state, and the weak penalties in the federal law have not been a sufficient deterrent. At this cockfight, there was \$40,000 in cash confiscated, and law enforcement authorities identified 7 members of MS 13 and the Mexican mafia.

Just last week, HSUS investigators just infiltrated a pit in Kentucky, near the Tennessee border. Our investigators reported 500 people in attendance, with the pit having theater-style seating, concession stands, and a \$20 entry fee. License plates from throughout the South were evident in the parking area, with many people coming from Tennessee, where federal authorities in 2005 shut down two of the largest pits in the country. The cockfighters are an adaptable group and pivoted to participate in cockfights just over the state line. Investigators observed approximately half a million dollars change hands on just a single day.

A particularly disturbing aspect of cockfighting is the common presence of young children at these spectacles. Children as young as six years old have been observed making wagers and acting as runners for bettors at cockfighting clubs. During a raid in Sutter County, Cal. two young children were abandoned at the side of the arena by the adults who had brought them to the cockfights. In another California case, a mother of a six-year-old boy was assaulted by her husband when she refused to allow him to take their son to a cockfight. He was subsequently arrested for spousal abuse and possession of gamecocks for fighting purposes and illegal paraphernalia.

In 2005, as I mentioned above, agents from the FBI and other federal and state law enforcement agencies shut down two of the nation's largest cockfighting pits, the Del Rio Cockfighting Pit and the 440 Cockfighting Pit in Cocke County, Tennessee. These raids were part of a larger anti-corruption investigation by the FBI that has uncovered chop shops, prostitution, narcotics traffic, illegal gambling, and cockfighting in east Tennessee. Several top law enforcement officers with the Cocke County Sheriff's office were arrested, charged and convicted of a range of criminal activity; they were directly involved in illegal conduct and operating a protection racket.

In two complaints filed on June 17, 2005 in U.S. District Court in the Eastern District of Tennessee, the United States attorney reported the following facts. This information shows the scope of cockfighting activity, the attendance of hundreds of people at a single cockfighting derby, the extraordinary sums wagered at cockfights, the interstate nature of the activity, and the involvement of children at the events.

"On March 15, 2003, a cooperating witness reported observing approximately 182 cock fights at the Del Rio cockfight pit. On average, between \$2,000 and \$20,000 was gambled by the spectators on each fight." (p. 6)

"The cooperating witness observed a girl approximately 10 years old with a stack of \$100 bills gambling on several different cock fights. Vehicles were observed in the parking lot bearing license plates from North Carolina, South Carolina, Alabama, Georgia, Kentucky, and Virginia." (pp. 6-7)

"On April 26, 2003, a cooperating witness attended the cockfights at the Del Rio pit and observed more than 100 cockfights with the displayed total prize money of \$20,900 posted inside the fights. The witness observed persons betting on the cockfights, to include fifteen to twenty children of approximate ages seven to fifteen betting on several cockfights." (p. 7)

"On May 17, 2003, a cooperating witness attended the Del Rio cockfights and observed that a full capacity crowd of approximately 600 to 700 people were present at the fights." (p. 7)

"On May 24, 2003, a special agent of the Federal Bureau of Investigations, acting undercover, attended the Del Rio cockfights....The agent observed approximately 200 to 300 people in attendance and the fights on this day feature two teams per person with six roosters per team. The entry fee for the roosters appears to be \$100 per rooster....With approximately 100 teams participating, the operators of the Del Rio cockfight pit would have taken in that day approximately \$60,000 in entry fees and between \$4,000 and \$6,000 in spectator admissions." (p. 8)

"On Saturday, March 8, 2003, a cooperating witness attended the cockfights at the 440 pit and observed between 300 and 400 people at the fights. The witness also observed several vehicles present at the fights bearing out of state license plates, including Alabama, Florida, Georgia, Virginia, Kentucky, North Carolina, and South Carolina....The witness observed approximately 100 different cockfights....several thousand dollars were bet on each fight by different persons observing the fights. During one fight, the witness observed one individual lose \$10,000 on the fight. The witness observed approximately \$20,000 to \$30,000 in bets exchange hands on each fight....The witness also observed five or six children under the age of twelve inside the fights." (p. 6-7)

"On April 19, 2003, a cooperating witness attended the cockfights at the 440 pit. The witness observed between 80 and 90 fights and estimated the crowd at the fights to be between 200 and 300 people....The witness also observed twelve to fifteen children, of approximate ages six to fourteen years, betting on individual chicken fights. Each of these children was wearing an entrance fee ticket attached to their clothing. (p. 8)

"On April 26, a cooperating witness attended the cockfights at the 440 pit....While at the fights, the witness observed approximately 60 fights and estimated the crowd at the fights to be more than 300 persons. Additionally, the witness observed several children who were involved in cockfights and betting on particular fights." (p. 8-9)

"On Saturday, May 3, 2003, a cooperating witness attended the cockfights at the 440 pit, and observed 48 different cockfights....The witness observed between twelve and fourteen children, approximate ages six to thirteen, inside the establishment, with most of the children gambling on different cockfights throughout the night." (p. 9-10)

"On June 7, 2003, a cooperating witness attended the cockfights at the 440 pit. Approximately 150 people were present and there were approximately 39 separate fights. The witness observed eight to ten children present at the cockfights." (p. 10)

This litany of facts about cockfighting shows it is no benign activity. It is organized crime, where children are thrust into these dens of criminality with substantial money being wagered illegally. State and local law enforcement officials have been corrupted, and have themselves turned into criminals. The federal government has, within the last year, also been involved in a series of arrests of local law enforcement in Hawaii involving protection rackets for illegal cockfights, demonstrating that the circumstances in Tennessee are not isolated cases. And in South Carolina, state Agriculture Secretary Charles Sharpe was convicted of accepting \$10,000 from organizers of a cockfighting pit in exchange for helping the group avoid legal trouble. Sharpe was removed from office and drew a two-year prison sentence for extortion and lying to a federal officer.

The Federal Law Against Animal Fighting Needs to be Strengthened, and It is Best Placed in Title 18

During consideration of the 2002 Farm bill, both the House and Senate unanimously approved felony-level penalties for illegal animal fighting ventures. The policy reform under consideration today – an upgrade in penalties for illegal animal fighting activities – has already met with favor by both the House and Senate.

Misdemeanor penalties don't provide a meaningful deterrent to animal fighters, especially when thousands of dollars are wagered on a single dog or cock fight. Relatively small fines, and brief jail sentences, are considered a cost of doing business. To be meaningful, the penalties must offset the gain that comes from participating in these crimes. For instance, most of the Virginia cockfighters arrested earlier this month pled out at \$500 per man, and that simply is not a sufficient deterrent for people wagering thousands of dollars at a single cockfight.

What's more, animal fighters know that federal officials will rarely pursue cases because of the misdemeanor penalties in the statute. U.S. Attorneys have told us they are reluctant to pursue animal fighting cases if at the end of the process they can seek only a misdemeanor penalty. The only reason that the U.S. Attorney filed charges in the Tennessee cases was the massive corruption and other criminal activity associated with cockfighting in Cocke County.

Because of the varying penalties throughout the nation, we are seeing the states with the weakest penalties becoming magnets for cockfighting. In December 2005, North Carolina became the 32nd state to punish cockfighting as a felony. In February of 2006, two cockfights were raided in South Carolina – a misdemeanor state – and 55 people were arrested. A majority of them were cockfighters who lived in North Carolina but had traveled across state lines to escape felony penalties and fight in a state where the maximum punishment they would likely face was a \$100 fine. If H.R. 137 had been law in February 2006, many of those cockfighters would have had to think twice before shopping around for the nearest state where they could go to commit their crime without fear of any serious punishment.

When the Congress enacted the federal animal fighting law in 1976, no states made animal fighting a felony. Today, dogfighting is a felony in 48 states, and cockfighting is a felony in 33 states. State laws commonly authorize jail time of 3 to 5 years or more for animal fighting. The Animal Fighting Prohibition Enforcement Act brings federal law in line with state laws and other federal laws related to animal cruelty.

Congress in 1999 authorized penalties providing up to five years in jail 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). Since the Congress passed a law making it a felony to sell videos showing dogfighting and cockfighting, it stands to reason that the core activity – animal fighting itself – should warrant felony-level penalties also. H.R. 137 provides up to three years in jail for people who transport animals for fighting purposes in interstate or foreign commerce – still lower than other related federal and state law penalties, but at least felony level.

H.R. 137 also expands federal animal fighting law to include 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 the Internet. To effectively deter the movement of animals for fighting, Congress should also prohibit transport of the fighting implements that make the sport possible and have no other purpose.

Dogfighting and gang activity are now intertwined throughout the nation. High-end drug dealers are buying the most prominent fighting dogs and matching them for large sums of money. In one dogfight near Houston, Tex. last summer, \$100,000 was on the line. The winner of the fight, Thomas Weigner, was later ambushed at his home and murdered by four armed men. Authorities believe these men follow the dogfighting circuit, and knew Weigner had a large sum of cash in his home.

Given the widespread criminal conduct associated with organized illegal animal fighting activities, it is appropriate that the crime be placed in Title 18. The FBI is often involved in interdicting narcotics traffic, and has made a priority of rooting out public corruption. While this bill will not take any authority away from USDA and its Office of Inspector General – whose personnel have been very much engaged on the issue of animal fighting in recent years and who will continue to play a major role in cracking down on illegal animal fighting ventures -- the bill will augment that work by allowing other federal departments to become more engaged on animal fighting enforcement.

Gambling with Our Lives: Cockfighting and the Spread of Avian Diseases

The initial explosion of the Asian avian influenza strain H5N1 in early 2004, leading to the deaths of over 100 million chickens across eight countries in Southeast Asia, was traced back to the trade in live birds for commerce. The timing and pattern were not consistent with known migratory bird routes. The initial spread of this disease seems to have been via the highways, not the flyways.

The riskiest segment of trade may be in fighting cocks, who are transported long distances both within and across countries' borders to be unwilling participants in the high-stakes gambling blood sport. In cockfights, the fighting implements guarantee bloodletting. Surviving birds may be sprayed with blood and infected, and even the handlers may be sprayed with blood and infected by the virus. A number of cockfighting enthusiasts, and children of cockfighters, have died.

The Thai Department of Disease Control, for example, described a case of a young man who died from bird flu and who had "very close contact to...fighting cocks by carrying and helping to clear up the mucous secretion from the throat of the cock during the fighting game by using his mouth." As one leading epidemiologist at the Centers for Disease Control commented dryly, "That was a risk factor for avian flu we hadn't really considered before."

The movement of gaming cocks is implicated in the rapid spread of H5N1. Malaysian government officials, for example, blame cockfighters as the main "culprits" for bringing the disease into their country by taking birds to cockfighting competitions in Thailand and bringing them back infected. Thailand, a country with an estimated 15 million fighting cocks, was eventually forced to pass a nationwide interim ban on cockfighting. The Director of Animal Movement Control and Quarantine within the Thai Department of Livestock Development explained what led them to the ban: "When one province that banned cockfights didn't have a second wave outbreak of bird flu and an adjacent province did, it reinforced the belief that the cocks spread disease." A study of Thailand published in 2006 concluded, "We found significant associations at the national level between HPAI [H5N1] and the overall number of cocks used in cock fights."

According to the Food and Agriculture Organization of the United Nations, cockfighting may also have played a role in making the disease so difficult to control. During mass culls in Thailand, for instance, bird owners received about 50 baht, about \$1.25, in compensation for each chicken killed—less than the bird's market value even for meat. Some prized fighting cocks fetch up to \$1,000. So it is no wonder that owners may be reluctant to report sick birds

Fighting cocks were reportedly hidden from authorities and illegally smuggled across provincial lines and country borders, not only complicating the eradication of H5N1, but potentially facilitating its spread, causing some officials to throw up their hands. "Controlling the epidemic in the capital is now beyond the ministry's competence," Thailand's Deputy Agriculture Minister told the Bangkok Post, "due to strong opposition from owners of fighting cocks, who keep hiding their birds away from livestock officials."

A different poultry virus -- exotic Newcastle disease (END) -- struck California in 2002 and inflicted major economic damage, thanks in part to cockfighting. This outbreak, which spread to Arizona, Nevada, New Mexico, and Texas, caused the destruction of nearly 4 million chickens at a cost to federal taxpayers of around \$200 million and led to a multinational boycott of U.S. poultry products.

While it is only a theory that gamefowl brought the disease to this country then, it is a known fact that once END arrived, movement of gamefowl distributed the disease all over the region. It could have been isolated but for the vast network of backyard cockfighting operations. The high mobility of the gamecocks, related to meetings, training, breeding, and fighting activities, played a major role in the spread of the disease once it became established in California. Although agriculture inspectors could not pinpoint the exact route by which the disease jumped to Las Vegas and into Arizona, law enforcement had an idea. "We'll raid a fight in Merced County and find people from Nevada, New Mexico, Mexico, Arizona, and Southern California," said a detective with the Merced County California Sheriff's office. "They bring birds to fight and take the survivors home." Cockfighting also played a role in the previous exotic Newcastle disease outbreak in California which led to the deaths of 12 million chickens.

During the course of containment following the 2002 outbreak, agriculture officials were staggered by the number of illegal cockfighting operations—up to 50,000 gamecock operations in southern California alone, according to some estimates. Despite being illegal in the state for more than 100 years, and despite hundreds of arrests, state law enforcement officials say cockfighting thrives -- all of this in a state with a misdemeanor penalty.

Former U.S. Agriculture Secretary Ann Veneman endorsed legislation to establish felony level penalties for violations of the federal animal fighting law in a May 2004 letter, in which she said that the bill would "enhance USDA's ability to safeguard the health of U.S. poultry against deadly diseases, such as exotic Newcastle disease and avian influenza." She indicated that 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."

According to the cockfighters' trade association, the UGBA, there are thousands of operations that raise fighting cocks across the country. In states where raising birds for blood sports is illegal, breeders claim the cocks are being raised as pets or for show. A major 2004 report released by the USDA on biosecurity among backyard flocks across the country found that only about half of the gamefowl operations -- operations that tend to raise cockfighting birds -- were following even the most basic biosecurity fundamentals, such as paying proper attention to potentially contaminated footwear.

With American roosters participating in competitions in Asia, like the 2006 World Slasher Cup, it's clear that fighting birds are being shipped illegally around the world. All it takes is one contraband avian Typhoid Mary smuggled from Asia into some clandestine domestic cockfight to spread bird flu throughout the United States. Strengthening penalties and improving enforcement on interstate transport of fighting cocks in America, as well as putting the final two nails in the cockfighting coffin by banning the practice in Louisiana and New Mexico, may help protect the health of America's flocks and America's people.

The National Chicken Council (NCC), the trade association for the U.S. commercial poultry industry, agrees. The NCC damns cockfighting not only as "inhumane," but as posing a serious and constant threat of disease transmission to the commercial industry, and it has endorsed this legislation.

In August 2005, the North Carolina Department of Agriculture Food and Drug Safety Administrator told a gathering of federal and state officials that current U.S. Postal Service regulations "are inadequate and present great potential for contamination of the poultry industry." He estimates that each day, thousands of fighting cocks and other fowl lacking health certificates enter North Carolina, potentially placing the state's massive poultry industry at risk. "Chickens find transport a fearful, stressful, injurious and even fatal procedure," one group of researchers concluded, and it's well-documented that this high level of stress can make birds more susceptible to catching, carrying, and spreading disease. The legal and illegal international trade in fighting cocks makes the blood sport no safe bet.

Last year, law enforcement officials in San Diego County arrested individuals attempting to bring cockfighting birds into California. Birds coming into the country from Mexico, Asia, or other countries or continents pose a grave threat of spreading dangerous avian diseases to the United States, jeopardizing the health of poultry flocks and human populations. The idea of regulating this trade -- now that 33 states have felony level penalties for this conduct -- is unrealistic and fanciful. The American public will not

tolerate decriminalization of cockfighting, and the best response now is the adoption of 50 state felony laws and a federal felony law that provide a sufficient deterrent to individuals who want to engage in this frivolous sport.

Opponents of this legislation argue that felony penalties would drive cockfighters underground and make it more difficult to get their cooperation during disease outbreaks. But in Asian countries where cockfighting is perfectly legal, authorities have had great difficulty getting the cooperation of cockfighters and bird flu has spread in part because of their determination to hide their birds. Here in the U.S., cockfighters have revealed their intentions to conceal their birds in the event that bird flu emerges here. Cockfighting magazines have instructed their readers to hide their "best birds" on an alternate property site and purchase months' worth of feed in advance so that, if a bird flu outbreak occurs, they won't draw attention to themselves by going to the feed store. This is an industry that already operates underground in the U.S.; it can hardly go further underground. It is time to eliminate the industry and all of the problems it fosters.

Cockfighting Is Not an Agricultural Activity

Since 1999, the UGBA and other cockfighting groups have spent hundreds of thousands of dollars to bottle up this legislation. The UGBA is a criminal syndicate, financing its federal lobbying activities at least in part from fees collected at illegal cockfights throughout the country. Staff from The Humane Society of the United States assisted the FBI in its investigation into public corruption in east Tennessee, and accompanied federal agents when they raided the Del Rio Cockfighting Pit. Our staff witnessed a letter from the UGBA on display at the pit thanking the Del Rio pit for a donation of several thousand dollars to the registered lobbyist of the UGBA. This criminal syndicate is paying lobbyists in Washington, D.C. to thwart passage of H.R. 137, and that should be unacceptable to this committee.

In fact, the Del Rio Cockfighting Pit was owned by a former president of the UGBA named Don Poteat. The day it was raided the owner's wife, Donna Poteat, was the acting Secretary of the UGBA. This is nothing new for the UGBA leadership. A prior president of the UGBA, Red Johnson, was arrested when his illegal cockfighting pit was raided some years ago in Vinton County, Ohio. The man testifying today for the opponents of H.R. 137, Jerry Leber, is a self-identified cockfighter.

It is a distortion for cockfighting apologists to suggest that gamefowl breeders—whether the UGBA or state associations—engage in legitimate agricultural activities. The USDA and others involved in agriculture do not consider the rearing of birds for fighting to be a legitimate agriculture enterprise and do not account for the sale of cockfighting birds as part of the agricultural economy, just as we do not consider the rearing of dogs for fighting or the growing of marijuana or cocaine to be legitimate agriculture operations. Farmers grow or raise food or fiber for legitimate social purposes, such as feeding or clothing people. It is unacceptable to raise animals simply so that they can fight to the death. It is unfortunate that cockfighters try to trade on the good reputation of farmers by attempting to associate themselves with normal agricultural practices and production methods.

Animal fighting is a bloody and indefensible practice. It is closely associated with other criminal activity. Dogfighting poses a threat to the well-being of children with the rearing of powerful and aggressive dogs. Cockfighters, given their worldwide industry, may play a central role in spreading avian influenza to this country. The leading legislative body in the world should shut the door as tightly as it can on these practices by immediately enacting the Animal Fighting Prohibition Enforcement Act. Thank you for allowing me to testify today.