

# animal wellness **action**

## **Animal Wellness Action Urges Congress to Conduct Oversight to Ensure the U.S. Postal Service, DOJ, and USDA OIG Enforce Federal Law Against Animal Fighting**

*Cockfighters use the U.S. Postal Service (“USPS”) to ship fighting animals, abetting an illegal enterprise that spawns cruelty, organized criminal activities, and animal health threats*

In staged animal fights conducted for gambling and human amusement, handlers affix knives or gaffs to roosters’ legs, drug the roosters to heighten their aggression, and place them in a pit where they slash each other to death. Despite state and federal laws forbidding this form of animal cruelty, there are thousands of cockfighting breeding operations throughout the U.S., widespread use of USPS to ship live fighting birds, and arenas operating in Puerto Rico, Guam, and even in some states.<sup>1</sup> No jurisdiction within the U.S. should be an enclave or refuge for intentional animal cruelty.

**Congress has upgraded the federal law against animal fighting five times in the 21st century, including every recent Farm bill (2002, 2007, 2013, and 2018).<sup>2</sup>**

Congress, even with its partisan divisions, has repeatedly and overwhelmingly voted to strengthen the law, underscoring the broad social consensus against animal fighting.

**Federal courts have affirmed Congress’s right to crack down on animal fighting.**

In a 2019 challenge brought by cockfighting interests, Judge Gustavo A. Gelpi, in the U.S. District Court in San Juan, ruled that “[n]either the Commonwealth’s political statutes, nor the Territorial Clause, impede the United States Government from enacting laws that apply to all citizens of this Nation alike, whether as a state or territory.”

Several federal courts dismissed prior challenges from cockfighters. The U.S. District Court for the Western District of Texas held that Congress acted within the limits of the Commerce Clause by enacting laws restricting animal fighting. The U.S. Court of Appeals for the Eighth Circuit affirmed a district court’s ruling that the appellant’s Commerce Clause challenge fails because the Animal

Welfare Act specifically covers only the interstate and foreign movement of birds. The U.S. District Court for the Southern District of Illinois found meritless the defendant’s argument that Congress lacks authority under the Commerce Clause.

A U.S. state or territory cannot authorize kidnapping or plural marriage after Congress has properly exercised its authority to forbid these activities. It cannot do so with cockfighting either.

**Recent AWA investigation reveals massive illegal shipments of fighting animals to Guam.**

Animal Wellness Action reviewed avian shipping records to Guam from U.S. states and found more than 500 probable illegal shipments of fighting birds during a three-year period ending in September 2019. There were 137 Guamanians who imported nearly 9,000 fighting birds onto Guam, and 71 “exporters” who sent birds from U.S. states to Guam to at the very least promote illegal animal fighting on Guam. The top five exporters – shipping from Oklahoma, California, Hawaii, North Carolina, and Alabama – accounted for 52 percent of all cockfighting roosters sent to Guam. Given that Guam has no animal agriculture industry, there’s no other reason for this large volume of shipments. This defiance of the law undermines the authority of Congress and should not be tolerated.

**Cockfighting threatens animal health, including commercial poultry flocks, and it has been a key vector in spreading avian influenza, resulting in the death of millions of birds and the expenditures of tens of millions of dollars.**

An outbreak of avian influenza in southern California, likely due to illegal movement of fighting birds, that started in

mid-2018 has [still not been contained](#), and has prompted federal and state agricultural authorities to kill 1.2 million birds and spend \$100 million to manage it. California encountered an avian influenza outbreak similar to this one more than 15 years ago. Then California public health officials [identified cockfighting operations](#) as the likely vector for the transmission of virus, which [spread from California into Arizona and Nevada](#). Before it was contained, state and federal authorities had killed 3.2 million birds and spent \$170 million. Authorities estimate that there were thousands of backyard cockfighting operations in Los Angeles County alone.

Modern farms take precautions to reduce disease transmission risks. However, the organized criminal associations that conduct cockfighting have no disease testing standards, no quarantine programs, and no containment strategies. Ironically, [cockfighters who perpetuate this cycle of avian disease transmission reaped millions](#) in compensation payments from the government and taxpayers.

**Animal fighting is often closely associated with organized criminal activities, such as gangs, gambling, drug trafficking, illegal weapons dealing, public corruption, and violent crimes including homicide.**

Multiple investigations have revealed animal fighting operations involved in drug trafficking, illegal gambling, and other criminal activities. There have been numerous violent incidents at cockfighting events including the murder of a [referee at a fight in Miami in 2018](#). In December 2019, there was a [shooting at a cockfight](#) in Chino, California.

**There is no evidence that cockfighting is a carefully or well-regulated industry in the territories, that it's a major driver of economic activity, or that it's popular.**

The 2012 report by the Puerto Rico Census of Agriculture — the last available document on the website and available to the public — found 324 cockfighting farms, 6,667 fighting birds, and sales of \$1,187,102. At a single illegal cockfighting farm in Los Angeles County in 2017, there were more than 7,000 fighting birds at a single operation, underscoring that Puerto Rico's cockfighting activities may be on par with operations in the U.S. mainland. The Congress has declared, on whatever scale it occurs, that it's a felony offense.

**Cockfighting is unpopular everywhere, including in the U.S. territories.**

In 2019, Guam's top polling firm conducted a survey of Guamanians about cockfighting: 61% favor a ban on cockfighting and only 25% oppose it, and only 7% had been to a cockfight in the last year. A similar poll in Puerto Rico also showed strong opposition to cockfighting there. Animal welfare advocates have pursued an end to cockfighting in the U.S. territories and the states with equal zeal, leading ballot initiatives in Arizona, Missouri, and Oklahoma that won huge majorities.

---

<sup>1</sup> i.e. Los Angeles County: In 2017, law enforcement came upon a "cockfighting stable" in Val Verde, in northern Los Angeles County. There, [officials found](#) nearly 8,000 birds, many of them ill and in clusters of 100 to 200 birds, being stabled for cockfighters throughout the Southland. This was the largest raid, by number of birds, in U.S. history.

Monterey County: In 2019, [The Monterey County Civil Grand Jury](#) investigated complaints and concerns about backyard cockfighting flocks, and released [a stunning report](#) about the scale of the problem and lack of enforcement. According to the report, "Numerous expert witnesses testified that today there are an estimated 1,000 known illegal rooster-keeping operations housing thousands of roosters" in the County.

<sup>2</sup> **Under the federal law, it is a crime to:**

- Knowingly sponsor or exhibit in an animal fighting venture;
- Knowingly attend an animal fighting venture, or knowingly cause an individual who has not attained the age of 16 to attend an animal fighting venture;
- Knowingly buy, sell, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture;
- Knowingly use the mail service of the U.S. Postal Service, or any "written, wire, radio televisions or other form of communications in, or use a facility of, interstate commerce," to advertise an animal for use in an animal fighting venture, or to advertise a knife, gaff, or other sharp instrument designed to be attached to the leg of a bird for use in an animal fighting venture, or to promote or in any other manner further an animal fighting venture except as performed outside the U.S.;
- Knowingly sell, buy, transport, or deliver in interstate or foreign commerce "a knife, a gaff, or any other sharp instrument" designed or intended to be attached to the leg of a bird for use in an animal fighting venture.

