

## Territorial politicians should accept Congress's verdict that cockfighting is cruel, a form of organized crime and a moral and viral threat to homeland

### *The FIGHT, with bipartisan support, enhances enforcement tools against animal fighting*

The [federal law](#) prohibiting dogfighting and cockfighting is one of our nation's bedrock animal cruelty statutes. Despite being criminalized everywhere in the United States, staged animal fighting is startlingly widespread, including in the U.S. territories.

The Fighting Inhumane Gambling and High-Risk Trafficking (FIGHT) Act, amending Section 26 of the Animal Welfare Act and introduced by Reps. Don Bacon, R-Neb., and Andrea Salinas, D-Oregon in the House and Cory Booker, D-N.J., and John Kennedy, R-La., in the Senate, would enhance enforcement capacity to root out illegal animal fighting enterprises by:

- banning simulcasting and gambling of animal fighting ventures;
- halting the shipment of mature roosters (chickens only) shipped through the U.S. mail;
- creating a citizen suit provision, after proper notice to federal authorities, to allow private right of action against illegal animal fighters and ease the resource burden on federal agencies; and
- enhancing forfeiture provisions to include real property for animal fighting crimes.

The Congress took the final step in intentionally applying all prohibitions in the law against cockfighting and dogfighting to the U.S. territories during the 2018 Farm bill debate ([Roll Call #202](#), 359-51). In challenges to the law initiated in Puerto Rico, Guam and then in the Northern Marianas Islands, cockfighters and politicians aligned with them challenged the 2018 amendments as unconstitutional, but the [federal courts rejected all claims](#), including [the U.S. Court of Appeals for the First Circuit](#). The U.S. Supreme Court subsequently [denied](#) a petition for certiorari from Puerto Rico's political leaders in 2021.

In adopting the Parity in Animal Cruelty Enforcement Act ([H.R. 4202](#) by Roskam and Blumenauer and [S. 2971](#) by Booker and Collins) as Section 12616 to the Agricultural Improvement Act of 2018, Congress took one more step in its long-term, [bipartisan efforts](#)



to strengthen 7 U.S.C. § 2156 to crack down on staged animal fights in every part of the United States. The 2018 amendments were just the latest in a series of policy-making actions by Congress that banned legal cockfighting in Puerto Rico:

- Ban on any interstate or foreign commerce in fighting animals, including shipments of fighting animals to or from the territories, in 2002.
- Ban on selling, buying, transporting, or delivering in interstate or foreign commerce “a knife, a gaff, or any other sharp instrument” for use in animal fights, making that action and others a felony in states or territories, in 2007.
- Ban on “possessing” or “training” animals for fighting, with those new prohibitions applying to the territories, in 2008.
- Ban on being a spectator at an animal-fighting venture, including in territories, in 2014.
- Apply remaining prohibitions in the National Animal Fighting Law – operating an animal fighting facility or participating directly in cockfights – to the territories, in 2018.

“The challenged act [Section 1261 of the Agricultural Improvement Act] is simply the final step in the culmination of a long line of federal actions that have, over time, progressively reduced the scope of the statutory exception for jurisdictions, like Puerto Rico.....” wrote attorneys for the United States in *Club Gallistico v. United States* in a pleading in the case.

Despite the federal courts’ unambiguous rulings indicating that all cockfighting is banned in Puerto Rico under federal law, Governor Pedro Pierluisi in January 2021 stated that he is “committed to supporting an industry that generates jobs and income for our economy, that represents our culture and our history” and that cockfighting may continue so long as animals are not imported for the purpose. He declared that he and Delegate Commissioner Jennifer Gonzalez Colon, R-Puerto Rico, “will continue to fight for them.”

In 2019, Delegate Commissioner Colon introduced legislation in the House ([H.R. 1189](#)) to repeal Section 12616 of the Agricultural Improvement Act (a proposal that still would have left every cockfight illegal because these fights would violate the bans on “possessing” and training of fighting animals and being present at a cockfight as a “spectator”). Her bill failed to

attract a single cosponsor among the 435 U.S. Representatives, and no U.S. Senator introduced a companion bill. In September 2023, Delegate Moylan, R-Guam, introduced [H.R. 5650](#) to nullify Section 12616 of the Agricultural Improvement Act, continuing the political charade that the lawmakers are actually working to legalize cockfighting in the territories.

Animal Wellness Action has received dozens of complaints from concerned Puerto Ricans and Guamanians that cockfighting arenas are still operating locally – abetted in no small measure by the political rhetoric and signaling from elected officials there. Despite an abundance of evidence of ongoing organized criminal conduct in these two territories, the United States has not taken a single enforcement action on the islands since inception of the modern law in 2002 and its subsequent upgrades.

- **No jurisdiction within the U.S. should be an enclave or refuge for this kind of intentional cruelty.** Staged fights pit animals against each other for profit, gambling, and entertainment. The animals are often drugged to heighten their aggression, equipped with knives or gaffs on their legs, and are forced to keep fighting even after they have suffered broken bones, deep gashes, punctured lungs, and pierced eyes. Cultural prerogative is no defense for inexcusable cruelty and lawlessness. Criminal enterprises such as cockfighting, dogfighting, and narcotics trafficking generate profits for the people involved, but come at a larger cost to societal well-being and safety and violate centuries-old taboos and norms against malicious animal cruelty. That said, prior claims of the economic benefits of cockfighting in Puerto Rico and Guam have long been wildly exaggerated. Congress determined that Puerto Rico and other U.S. territories do not get a free pass to be special enclaves where animal cruelty is allowed.
- **The presence of an above-ground industry anywhere undermines the prohibitions in other parts of the country.** Tolerance for cockfighting gives animal fighters a patina of legitimacy, a market for fighting animals and

paraphernalia, and venues for staged cruelty. In fact, Animal Wellness Action conducted an investigation in Guam and determined that there were more than 500 illegal shipments of 12,000 fighting birds from state-based U.S. cockfighters to Guam cockfighters between November 2016 and November 2022. These shipments were a means of generating profits for stateside cockfighters, with the [government of Guam knowingly allowing these illegal transports](#). Animal Wellness has reviewed 50 videos, produced in 2020 by a Filipino television network, with U.S. cockfighters promoting the sale of their fighting animals to Guam, Mexico, the Philippines, Vietnam, and other animal fighting hot spots.

- **Animal fighting is often closely associated with other criminal activities, such as gangs, gambling, drug trafficking, illegal weapons dealing, public corruption and violent crimes including homicide.** Multiple federal investigations have revealed animal fighting to be an intricate and organized criminal enterprise responsible for moving multi-ton quantities of heroin and methamphetamines across the country. There are numerous casualties at animal fights, including a [referee murdered at an illegal cockfight in Miami](#), a person [shot at a Dallas cockfight](#) in March 2023, and [two killed and three wounded](#) at a Hawaii cockfight in April 2023. In Mexico in 2022, in a case of cartel-on-cartel violence, there were 20 people massacred at a cockfighting derby, including one Chicago-based mother, and her sister was badly wounded at the event.
- **Cockfighting is a threat to avian health.** Gamefowl are high-risk disease vectors and reservoirs because they are reared outdoors under poor biosecurity and widely sold, traded, deliberately commingled with other birds at fighting derbies under stressful conditions. Cockfighters engage in particularly risky handling practices, stirring them to fight after they are injured in the pits

and even exchanging bodily fluids. *Virulent Newcastle Disease has entered the United States through illegal smuggling of infected cockfighting roosters from Mexico at least ten times, causing particularly expensive epidemics in southern California in the early 1970s (at an inflation adjusted cost of \$337 million), in 2002-03 (at an inflation-adjust cost of \$246 million), and a massive outbreak in 2018-20 (at a very conservative cost estimate of \$72 million), collectively resulting in the killing of at least 16 million birds that required massive remuneration of owners of commercial poultry flocks and other birds.* The cost to the U.S. taxpayer of cockfighting-triggered outbreaks affecting commercial poultry and other privately held birds has been nearly \$1 billion and counting.

The National Chicken Council wrote as long ago as 2004 that “we are concerned that the nationwide traffic in game birds creates a continuing hazard for the dissemination of animal diseases.” The United Egg Producers, in endorsing the FIGHT Act this year, noted that “cockfighting drives outbreaks of serious poultry and zoonotic diseases especially virulent Newcastle disease (vND) and highly pathogenic avian influenza (HPAI, ‘bird flu’) viruses. HPAI and vND spread widely and quickly and can kill virtually every wild bird species and all poultry.” The World Health Organization noted that human cases of avian influenza in Thailand and Vietnam may have been contracted through cockfighting activity.

- **Animal Wellness Action is working to stop animal fighting stateside with as much intensity as it wishes to stop animal fighting in the U.S. territories.** Animal Wellness has conducted seven recent statewide investigations to uproot animal fighting in Alabama, Hawaii, Kentucky, New Mexico, North Carolina, Oklahoma, and Tennessee. We are working to stop the practice everywhere, regardless of how local politicians view the issue.

You can read a summary of the animal fighting prohibitions in the Animal Welfare Act (7 U.S.C. § 2156) [here](#).