ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2007

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. GALLEGLY. Mr. Speaker, as you know, I, along with Mr. BLUMENAUER and Mr. BARTLETT, have been trying to federally criminalize the brutal, inhumane practice of animal fighting for the past several Congresses.

A few years ago, Congress enacted legislation to tighten Federal laws with regard to animal fighting; however, this law created some loopholes that allowed the barbaric practices of animal fighting to thrive nationwide, in spite of bans in virtually every State. We left in place weak penalties that have proven ineffective. Misdemeanor penalties simply don't provide a meaningful deterrent. We've heard from U.S. Attorneys that they are reluctant to pursue animal fighting cases with just a misdemeanor penalty. Those involved in animal fighting ventures consider misdemeanor penalties a ''slap on the wrist'' or merely a ''cost of doing business.''

In recent years, we've seen a marked rise in the frequency of animal fighting busts in communities across the country. Local police and sheriffs are increasingly concerned about animal fighting, not only because of the animal cruelty involved, but also because of the other crimes that often go hand-in-hand, including illegal gambling, drug trafficking, and acts of human violence. In the last 6 months, every reported bust of an animal fight also led to additional arrests for at least one of these criminal activities.

Furthermore, there is an inherent danger for the children of animal fighters to be close to these animals. Children are often brought to these gruesome spectacles. Some dog fighters steal pets to use as bait for training their dogs; some allow trained fighting dogs to roam neighborhoods and endanger the public.

There is the additional concern that cockfighters spread diseases that jeopardize poultry flocks and even public health. We in California experienced this first-hand, when cockfighters spread exotic Newcastle disease, which was so devastating to many of our poultry producers in 2002 and 2003. That outbreak cost U.S. taxpayers nearly $200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets.

Cockfighting has been identified as the major contributor of the spread of avian flu throughout Thailand and other parts of Asia, where the strain originated. At least nine people who contracted avian flu and died from it reportedly contracted it from fighting birds. Among those who are reported to have died from avian influenza as a result of exposure through cockfighting, include 4-year-old, 6-year-old, and 18-year-old boys in Thailand and a 6-year-old girl in Vietnam. Fortunately, bird flu has not yet jumped the species barrier in this country, but we ought to do all we can to minimize the risk.

Opponents of H.R. 137 have said this bill should be blocked because it will drive them underground, increasing the public health risks. That's a ludicrous argument. They're already underground (it's illegal in 49 States and various localities in the remaining State, Louisiana). They're coaching each other, as documented in chat rooms and other communications that have been intercepted, to hide their birds to avoid detection in the event of an outbreak. We're not talking about stellar citizens who are planning to contact health officials to ''do their part'' in stemming a pandemic. We'll be much better off cracking down on illegal cockfighting than allowing this high-risk industry to continue thriving and hoping they'll work with the government cooperatively to stem the threat of disease.

We need to help State and local law enforcement officials who have requested this strengthening of Federal laws to rid animal fighting from communities that do not want it. This legislation makes violations of federal animal fighting law a felony punishable by up to 3 years in prison, makes it a felony to transport an animal across State or international borders for the purpose of animal fighting, and prohibits the interstate and foreign commerce in knives and gaffs designed for use in cockfighting.

This bill simply promotes meaningful enforcement of current Federal law that bars interstate and foreign movement of animals for fighting purposes, including both dog fighting and cockfighting, by upgrading current misdemeanor penalties to a felony level. The bill is explicitly limited to interstate and foreign commerce, so it protects States' rights in the 2 States where cockfighting is allowed, yet further protects States' rights in the other 48 States where weak Federal law compromises the ability to keep animal fighting outside their borders.

I also wanted to clarify for the RECORD that subsection (c) of section 26 of the Animal Welfare Act, which is about interstate instrumentalities and commercial speech, prohibits the websites and the magazines where fighting animals are advertised for sale. These publications are commercial speech, and also clearly promote animal fighting. They advertise fighting animals and weapons for sale in interstate commerce. For example, over the last 12 months, there have been over 1,600 pages worth of advertisements for illegal interstate commercial transactions in the two main cockfighting magazines.

Subsection (d) is meant to limit subsection (c) with respect to the magazines and other commercial speech promoting cockfights in States where that is legal. It acts as a limitation upon subsection (c), but, as under current law, only if the effect of that promotion is limited to cockfights in the one State where cockfighting is still legal. So as a practical matter, (d) does not limit enforcement of (c) against the cockfighting magazines and website advertisements, because these materials promote animal fights in every State—they are sent to or read by buyers in many States, who buy the fighting animals and implements and then use them in animal fights in States where cockfighting is illegal.

Finally, I also want to say that these provisions in current law, which are mirrored in H.R. 137, pose no problem in terms of the First Amendment. Animal fighting magazines and websites aren't protected by the First Amendment. The Supreme Court has been clear on this score—there is no First Amendment protection for commercial speech where the underlying commercial transaction is lawfully prohibited, as is the case here. Subsection (c) is clearly constitutional. It is narrowly tailored with this in mind. First Amendment consideration is built right into the language. It only prohibits ''commercial speech''—like the cockfighting magazines with all of their advertisements for contraband. These animal fighting magazines are not political speech, they are basically just catalogs, with hundreds of advertisements per issue for illegal transactions. The sellers are just soliciting the buyers to commit criminal acts. They can't cloak it in the First Amendment just by throwing a little bit of non-commercial speech in there either, and the Supreme Court has been clear on that as well.

This is the perfect example of a bipartisan bill. The bill I cosponsored in the last Congress, the Animal Fighting Prohibition Act of 2006, had 324 cosponsors and was passed through the Senate by unanimous consent. Mr. BLUMENAUER, Mr. BARTLETT, and I rounded up 300 Democrat and Republican co-sponsors in just a few weeks.

I want to express my sincere thanks to Mr. BLUMENAUER and Mr. BARTLETT for their work on this legislation. We have all been working on this legislation for quite some time. I also want to commend Mr. CONYERS, Mr. SMITH, Mr. SCOTT, and Mr. FORBES for recognizing the importance of this issue and thank them for moving H.R. 137 through the Judiciary Committee so quickly. I also want to thank Mr. PETERSON of the Agriculture Committee for his assistance on this matter. Finally, I want to thank my 300+ colleagues who cosponsored H.R. 137. Without your help, we would not have been able to show the amount of support this Congress has for ending this deplorable practice and all of the destructive behavior associated with it.

IN RECOGNITION OF DEPAUW WOMEN'S BASKETBALL TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the DePauw University Women's Basketball Team for winning its first NCAA Division III National Championship. Not only is this the first championship for Coach Kris Huffman, it's the first national championship, in any sport, in the school's history.

The DePauw Tigers defeated the Washington University, St. Louis, Bears by a score of 55–52. The Tigers built a 15-point lead at one point, but the Bears rallied back to cut the deficit to 3 in the closing moments of the game. The Tigers blocked a last second 3-point shot attempt to earn their first title. The win caps a successful DePauw season with a record of 31–3.

Senior Cassie Pruzin led the way for the Tigers scoring 12 points in the game. Fellow seniors Liz Bondi and Suzy Doughty and junior Kalei Lowes each contributed 9 points. Bondi, who also had 9 rebounds and 3 assists in the game, was named most valuable player of the tournament and, along with Doughty, was selected for the All-Tournament team.

Congratulations to Coach Huffman and the DePauw Women's Basketball Team for an outstanding season.

Go Tigers.