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# Victory Against Cockfighting in New Mexico

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New Mexico Governor Bill Richardson signed legislation March 12 outlawing cockfighting in New Mexico, leaving Louisiana as the last state to allow staged fights between animals. The Humane Society of the United States, which partnered with Animal Protection of New Mexico to push the ban, thanked New Mexico lawmakers and Gov. Richardson for their support and immediately called on Louisiana lawmakers and on Gov. Kathleen Blanco to pass anti-cockfighting legislation and rid itself of this stigma. Louisiana's legislation session starts April 30. "This is a major moment in our march to rid our nation of this barbaric and reprehensible practice," Wayne Pacelle, HSUS president and CEO, said. "Gov. Richardson got the job done, as he promised, and did so with help from lawmakers up and down the state." After the House passed the legislation, Richardson said, "I am proud that New Mexico will now soon move beyond cockfighting and join the 48 states that have already banned this outdated practice."



## Fighting a Long Campaign

The legislation, introduced by Sen. Mary Jane Garcia (D-Dona Ana), capped a decades-long fight to outlaw the gladiatorial spectacles. Garcia, the majority whip, first introduced the bill 20 years ago and was subjected to catcalls and mocking from lawmakers who thought it ridiculous to ban cockfighting. But she persevered, introducing the legislation year after year, getting the last laugh and the peace of mind that she had helped steer this major anti-cruelty legislation to passage.

Yet, even in 2007, the bill faced strong opposition in the legislature, and the result was hardly preordained. Sen. Phil Griego (D-San Jose), chairman of the Conservation Committee, offered multiple amendments to gut the legislation, and said it was a first step toward banning hunting, rodeo and other practices involving animals. He did succeed in amending the penalties, making a first

offense a petty misdemeanor, a second offense a Class A misdemeanor, and a third offense a felony. We're criminalizing customs," Griego said.

"We're criminalizing traditions." But Minority Whip Lee Rawson (R-Las Cruces) said some traditions should be done away with. "Just because it's a tradition of some group doesn't mean it's the right thing to do," Rawson said. The Senate passed the legislation by a 31–11 vote.

The bill then moved to the House. In a hearing on the issue, cockfighter Jack Cairnes said the legislation was pushed by a "small group of extremists traveling from state to state interfering with rural life." A former legislator from Washington State defeated in 2004 by a humane-minded lawmaker, Cairnes had recently moved to New Mexico to avoid the tough new penalties he watched his fellow lawmakers in Washington impose.

"Jack Cairnes lost his seat in the Washington house partly because of his staunch support for cockfighting, and then he moved to New Mexico to attach knives to birds' legs and goad them to fight," Pacelle said. "He now makes the remarkable claim that it is his opponents—not the man who packed up his belongings and moved into New Mexico in order to engage in legal cockfighting—who are carpetbaggers. The hypocrisy is just staggering."

"My advice to Mr. Cairnes is not to move to Louisiana too soon," Pacelle added. "He may find that that state is not a long-term destination for him, either."

In the end, with Richardson's endorsement, the House approved the bill 49–20, after a briefer debate than the Senate had. Since one technical change was made, it was sent back to the Senate March 9 for concurrence, and the Senate voted 29–6 to send the bill to the governor, who signed it March 12. The legislation was also endorsed by N.M. Attorney General Gary King, the New Mexico Conference of Catholic Bishops, and a large number of law enforcement and domestic violence organizations. It takes effect June 1.

### **Making Cockfighting a National Issue**

Since its founding in 1954, The HSUS has campaigned diligently against dogfighting, cockfighting and other staged fights between animals. The HSUS pushed for the adoption of state and federal laws on the subject, trained law enforcement officials, penetrated animal fighting rings and obtained undercover footage, provided rewards for information about illegal animal fighting ventures, sued cockfighting magazines and other purveyors of the trade, and educated the public about these spectacles.

While a majority of states outlawed cockfighting in the 19th century, penalties were often weak, and cockfighters plied their trade with little threat of arrest and prosecution. What's more, cockfighting remained legal in a number of states throughout the 20th century. As of March, 2007, three cockfighting magazines—The Feathered Warrior, The Gamecock, and Grit & Steel—are sold in the United States. The HSUS sued Amazon.com, The Feathered Warrior and The Gamecock for promoting the sale of fighting birds, which is forbidden by the federal Animal Welfare Act. The HSUS redoubled its efforts in the late 1990s and pushed for cockfighting bans in the jurisdictions where the practice still legally thrived.

The HSUS spearheaded ballot initiatives in Arizona and Missouri in 1998 to outlaw the activity, and both measures passed by wide margins. In 2002, The HSUS fought a tough battle in Oklahoma to ban

cockfighting, closing down 42 cockfighting arenas in the state. New Mexico is the first state in 20 years to outlaw cockfighting through the actions of the state legislature, as compared to the voters directly deciding a ballot initiative. "Now that New Mexico has completed its work, our attention turns to Louisiana," Pacelle said. "We will make a very concerted effort to outlaw the practice, and by this summer, we hope not a single state will be a host to any legal cockfight."

### **Making a Federal Case of Cockfighting**

More than 30 years ago, The HSUS mounted an effort to complement the state laws against animal fighting with a federal law. After robust debate, the Congress in 1976 passed a law banning the shipment of fighting dogs between states. It included anti-cockfighting language, but that language had a loophole—allowing shipment of fighting birds to any state, territory, or nation that allows cockfighting. It was a loophole that cockfighters exploited with impunity, with fighters in illegal states claiming they raised birds not to fight in-state, but to transport to legal jurisdictions.

The HSUS worked for the introduction of legislation in 1999 to close the loophole and ban any interstate transport or foreign commerce in fighting animals. That provision was successfully attached to the 2002 Farm bill, and the fight was led by Sen. Wayne Allard (R-Colo.), a veterinarian, and by Rep. Collin Peterson (D-Minn.), Earl Blumenauer (D-Ore.), and Tom Tancredo (R-Colo.). Unfortunately, in a conference committee on the Farm Bill, lawmakers friendly to the cockfighting industry removed the strong felony-level penalties added to the interstate transport ban, even though the felony-level penalties had passed both the House and Senate.

In the 109th Congress, The HSUS worked to see that the felony legislation was introduced, but it was hung up for the next four years, principally by former House Judiciary Committee Chairman Jim Sensenbrenner, an ally to cockfighting interests. In the 110th Congress, Elton Gallegly (R-Calif.), Roscoe Bartlett (R-Md.) and Blumenauer introduced H.R. 137 to upgrade penalties for violations of the federal animal fighting law and to ban any interstate transport in the knives and gaffs the cockfighters attach to the birds' legs. Sens. Maria Cantwell (D-Wash.), John Ensign (R-Nev.), Dianne Feinstein (D-Calif.), and Arlen Specter (R-Penn) introduced a companion bill, S. 261. H.R. 137, which has 304 cosponsors, had already been approved by the House Judiciary Committee, and it may soon be voted on by the full House of Representatives. The Senate bill is expected to see committee action as early as the week of March 11.

The HSUS is also pushing a raft of other bills at the state level, pressing for more enforcement of animal fighting laws at the state and federal levels, and still infiltrating animal fighting rings and working with law enforcement agencies to arrest animal fighting. "We have a zero tolerance policy for animal fighting," Pacelle said. "If our societal standards against animal cruelty have any meaning, they must be applied to this despicable behavior. We will not rest until these practices are pulled up from the roots in our society and killed off."