

Lawmakers Should Oppose Efforts to Decriminalize Cockfighting and Gut Vote of the People (SQ 687)

In recent years, cockfighter-friendly legislators have repeatedly introduced bills to broadly decriminalize cockfighting in Oklahoma and treat a small set of remaining cockfighting prohibitions as an expensive parking ticket. These bills attempted to legalize possession of fighting birds; training birds to fight; promoting or advertising cockfighting derbies; being a spectator at a cockfight; possessing knives and gaffs used for cockfighting; and maintaining housing structures and other equipment for fighting birds. Cockfighting itself would remain illegal, along with maintaining a cockfighting pit or refereeing a fight, but the proposed measures would have provided a maximum fine of \$500 with no jail time for offenders. Oklahoma's anti-cockfighting law, despite being approved by voters by a wide margin in ballot initiative 20 years ago, would overnight become the nation's second weakest state anti-cockfighting statute, after Alabama's 1896 law.

The Cruelty of Cockfighting

- Cockfighting is a barbaric practice, with birds fitted with knives or curved ice picks (gaffs) on their legs to gouge eyes, puncture lungs, and deliver other grievous wounds. Combatants are injected with stimulants and blood-clotting drugs to prepare them for these death matches — conducted for entertainment and illegal gambling.
- Animal Wellness Action's investigative report cockfighting in Oklahoma shows that cockfighters illegally raise and train tens of thousands of birds for sale for fights, with Mexico and the Philippines among the favored destinations. **Guam's territorial veterinarian declared** that the shipment of 11,500 fighting birds to the island over the past five years — with just two Oklahomans accounting for 40 percent of the shipments — amounted to contraband.
- **Cockfighters often bring minors to these events**, numbing children to cruelty to animals and exposing them to illegal gambling and a general environment of lawlessness.



- Cockfighting is deeply unpopular in Oklahoma, according to a **Sooner Survey** released in late March 2023. The survey revealed that 87% of Oklahomans favor a ban on cockfighting. “Even in the southeast (86%) and southwest (80%) we have uber-majorities wanting cockfighting to be illegal. In fact, in each of the five congressional districts in Oklahoma, at least 83% want cockfighting to be illegal and in no instance does support for legality exceed 12%,” observed Pat McFerron, president of Cole Hargrave Snodgrass & Associates and architect of the Sooner Survey.

The Politics and Jurisprudence Related to Cockfighting

- **The people of Oklahoma banned cockfighting (State Question 687) in 2002 by double-digits. Governor Frank Keating was an outspoken voice for the ban,** and even if one removed Tulsa County or Oklahoma County, the outcome still would not have been close.
- **Even if lawmakers gutted the state law, Oklahoma cockfighters would still be subject to federal felony-level penalties for fighting; operating a fighting venue; training, possessing, or shipping fighting birds; selling or distributing fighting implements; or bringing a minor to a fight.** The application of the law to the very activities that Oklahoma cockfighters seek to engage in — such as shipping birds to foreign nations — **has been upheld by the federal courts** as a proper exercise of federal authority under Section 26 of the Animal Welfare Act.
- **The latest amendments to Section 26 of the Animal Welfare Act, banning animal fighting across the United States, was approved without dissent in the U.S. Senate and by a vote of 359-51 in the U.S. House,** with Reps. Tom Cole and Frank Lucas favoring the prohibition.
- **No state legislature has ever weakened anti-cockfighting penalties once lawmakers and voters enacted a statewide policy, and Oklahoma has never given counties an escape hatch to opt out of a state law once adopted by the people or the legislature.** Counties in the west (Woods and Custer), southwest (Beckham, Comanche, Jackson), central (Canadian, Cleveland, Logan), north central (Kay and Garfield), and northeast (Creek, Delaware, Okmulgee, Ottawa, Rogers, Wagoner, Washington) favored State Question 687, which was approved by nearly 14 points statewide. Oklahoma would never consider allowing counties to opt out of the anti-dogfighting law or the general anti-cruelty law, nor allow counties to change the rules for speeding, age of consent for marriage, or the purchase of alcohol. There

are constitutional equal protection and due process concerns that would arise if some counties opted out of a state law.

- **Oklahoma’s felony-level penalties are in line with cockfighting prohibitions in neighboring states (Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas).** More cockfighters, including illegal immigrants drawn to cockfighting, will stream into the state if the law is weakened, even as they fail to understand that the federal animal-fighting law and the state anti-gambling law would continue to put them in legal jeopardy. A Caddo County sheriff’s deputy was **running a cockfighting arena** on his property and escaped the reach of his former comrades under state law, but the **U.S. Attorney gave him no pass** and successfully prosecuted him in federal court.
- **The American Veterinary Medical Association and all state veterinary associations oppose cockfighting and support felony-level penalties for animal fighting.**

Criminal Justice, Legal Consistency, and the Rule of Law

- **Only six individuals in Oklahoma have gone to jail or prison for cockfighting since enactment of the voter-approved law 20 years ago.** The perpetrators are career criminals, with prosecutors using the felony-level provisions in the law to make Oklahoma safer. 1) Robert Anthony Hurley got 10 years for cockfighting because he had eight prior felonies, including lewd molestation, failure to register as a sex offender, and grand larceny, and 2) Joey Blancas got a 10-year sentence after a series of crimes for drug dealing, illegal possession of firearms, burglary, grand larceny, and larceny of an automobile.
- **There have been only 29 enforcement actions related to cockfighting crimes (1.7/year) in 76 of the 77 counties between 2004 and 2022** (Oklahoma County has not reported yet), and in most cases, penalties imposed were anemic or prosecutions



dropped. In the few cases where the law has been enforced, the penalty provisions in the anti-cockfighting law are providing a tool for law enforcement to take dangerous, career criminals off the streets.

- **The rate of arrests, given the magnitude of illegal cockfighting activities, demonstrates a breakdown in enforcement of the law.** There have been no arrests in an array of counties with extensive cockfighting, including Adair, Atoka, Coal, LeFlore, Marshall, and McCurtain. In Bryan County, the sheriff apprehended 200 people at an illegal cockfighting arena, but the D.A. brought just one charge and there was an inconsequential penalty. The broad failure to enforce the law across so many counties suggests there may be some level of public corruption at work.
- **In *Edmondson v. Pearce*, the Oklahoma Supreme Court unanimously upheld the voter-approved cockfighting ban, declaring “the Act is a proper exercise of the police power, enacted by the electorate through the initiative process by virtue of its reserved legislative power.”** The justices observed that “under our form of government, a person's right to do as he or she chooses must yield to the reasonable laws of society.” It rejected the idea of county judges allowing their jurisdictions to opt out of the law.
- **The campaign to overturn the SQ 687 is financed by the Oklahoma Gamefowl Commission (OGC), which is lobbying lawmakers and donating to candidates.**

1) The group’s leaders are explicitly involved in the known criminal enterprise of cockfighting and are breaking state and federal laws right now. 2) The OGC appears to have violated Oklahoma Ethics Commission rules requiring disclosure of donors. 3) The OGC is misrepresenting the language in the law, falsely suggesting that SQ 687 imposes mandatory minimums.

Cockfighting and Avian Influenza

- **As documented in a 63-page report from agricultural veterinarians with the Center for a Humane Economy, cockfighting drives outbreaks of serious poultry and zoonotic diseases especially virulent Newcastle disease (vND) and highly pathogenic avian influenza (HPAI, “bird flu”) viruses.** The movement of cockfighting birds **threatens to extend the duration** of the global H5N1 outbreak and its geographic reach, in the process potentially making it an even more virulent and transmissible virus.
- **Gamefowl are high-risk disease vectors and reservoirs** because 1) they move (and are traded) more widely than other birds, including in interstate and foreign commerce; 2) are deliberately mixed under stressful fighting conditions; and 3) are usually housed outdoors under low biosecurity (contrasting with commercial poultry).

Ten of the 15 US vND outbreaks originated from illegally smuggled gamefowl, mainly from Mexico. At least 16 million birds died and more than \$1 billion was spent just on containment efforts for three of the most recent outbreaks vND outbreaks.

Cockfighting can drive up food prices. With avian influenza coursing through the United States, we’ve seen depopulation of tens of millions of laying hens and turkeys, with a surge in prices for eggs and meat, with eggs selling for \$7/dozen in some states.