



**United States Senate**  
WASHINGTON, DC 20510-0504  
<http://feinstein.senate.gov>

June 5, 2015

The Honorable Patti B. Saris  
Chair  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, DC 20002-8002

Dear Chair Saris:

I write to urge the Sentencing Commission to amend the sentencing guidelines to increase penalties for animal fighting violations of the *Animal Welfare Act* in order to comply with the *Food, Conservation, and Energy Act of 2008*. This law increased the maximum criminal penalty for animal fighting from three to five years, as Congress recognized that stronger penalties are needed for this crime, particularly for cases involving egregious cruelty to multiple animals or large-scale fighting operations.

Animal fighting is a cruel sport that involves pitting multiple animals against each other in deadly fighting matches for the purpose of entertainment and financial gain. Offenders frequently administer illegal medications to animals and equip them with deadly fighting implements. Animals used in fighting operations are often kept in inhumane living conditions. In many animal fighting operations, law enforcement officials find severely injured animals that are left to suffer and die without veterinary treatment.

Animal fighting is not an animal welfare concern only; it is often associated with illegal gambling, drugs, and firearms. For example, in January, 2015, a federal grand jury in the Middle District of Georgia indicted three individuals in an animal fighting operation on charges of animal fighting, manufacturing of marijuana, and possession of a firearm in furtherance of a drug trafficking crime and in furtherance of a crime of violence.


The *Food, Conservation, and Energy Act of 2008*, which was enacted in June, 2008, amended the prohibition on animal fighting in the *Animal Welfare Act* to raise the maximum penalty criminal to five years in prison. Previously, the maximum criminal penalty for animal fighting violations of the *Animal Welfare Act* was three years. Congress increased the criminal penalty in order to impose a greater deterrent to animal fighting after the Michael Vick animal fighting case demonstrated the organized and heinous nature of this crime.

It is my understanding that the current sentencing guidelines were amended in May, 2008, and that the Commission did not alter the guidelines in response to the increased maximum penalty established in the *Food, Conservation, and Energy Act of 2008*. The current guidelines recommend a sentence of only 6 to 12 months for federal animal fighting cases where the defendant has no (or minimal) criminal history. The Commission reported to my staff that over 60 percent of offenders for animal fighting violations were sentenced within the current guidelines between 2009 and 2014.

I would like to note that others have recommended that the sentencing guidelines be increased for convictions obtained for federal animal fighting, particularly for large-scale fighting operations or in cases involving egregious cruelty to multiple animals. In *United States vs. Donnie Anderson*, U.S. District Judge W. Keith Watkins stated that, in his view, the sentencing guidelines “are wholly inadequate for dogfighting cases” because the guidelines do not account for the egregiousness or scale of an animal fighting operation. Additionally, in a letter to the Commission dated April 2, 2015, U.S. District Judge Michael Reagan argued for increased penalties for defendants convicted of animal fighting that reflect the statutory maximum and that take into consideration how heinous an animal fighting operation is, such as the number of animals harmed.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me, or you may have your staff contact Tristan Colonius in my office at 202-224-2004.

Sincerely,



Dianne Feinstein  
United States Senator

DF/tc