



THE HUMANE SOCIETY OF THE UNITED STATES

Eric L. Bernthal, Esq.
Chair of the Board

Jennifer Leaning, M.D., S.M.H.
Vice Chair

Kathleen M. Linehan, Esq.
Board Treasurer

Wayne Pacelle
President & CEO

Michael Markarian
Chief Program & Policy Officer

Laura Maloney
Chief Operating Officer

G. Thomas Waite III
Treasurer & CFO

Andrew N. Rowan, Ph.D.
*Chief International Officer
& Chief Scientific Officer*

Roger A. Kinder
*General Counsel
Vice President & CLO*

Janet D. Frake
Secretary

DIRECTORS

Jeffrey J. Arciniaco
Eric L. Bernthal, Esq.
Michael J. Blackwell, D.V.M., M.P.H.
Jerry Cesak
James Costos
Anita W. Coupe, Esq.
Neil B. Fang, Esq., CPA
Jane Greenspun Gale
Cathy Kangas
Jonathan D. Kaufelt, Esq.
Paula A. Kislak, D.V.M.
Jennifer Leaning, M.D., S.M.H.
Kathleen M. Linehan, Esq.
John Mackey
Mary I. Max
Patrick L. McDonnell
Judy Ney
Sharon Lee Patrick
Judy J. Peil
Marian G. Probst
Jonathan M. Ratner
Joshua S. Reichert, Ph.D.
Walter J. Stewart, Esq.
Andrew Weinstein
Jason Weiss
David O. Wiebers, M.D.
Lona Williams

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500, South Lobby
Washington, DC 20002-8002
Attention: Public Affairs – Priorities Comment

Sent via email and mail

July 27, 2015

Re: Proposed Priorities for Amendment Cycle, 80 FR 36594

To Whom It May Concern:

On behalf of The Humane Society of the United States (“HSUS”), the nation’s largest animal protection organization, we would like to submit the following comment regarding the U.S. Sentencing Commission’s Proposed Priorities for Amendment Cycle. 80 Fed. Reg. 36594 (proposed June 25, 2015). The HSUS applauds the U.S. Sentencing Commission (“the Commission”) for considering a review of the guidelines, particularly in animal fighting cases, as these guidelines are out-of-date and not reflective of the seriousness of the crime.

The HSUS has worked tirelessly to bring to light the seriousness of animal fighting. For more than 50 years, the HSUS has worked with federal law enforcement officers on dogfighting and cockfighting cases. In the last ten years, we have assisted law enforcement officials with cases that have led to the conviction of 31 significant dogfighters. Several of these cases involved well-known dogfighters – including Eli Taylor, Ed Faron, Jerry Beene, Al White, and Irish Jerry – who were eventually convicted and forced to cease their illegal business. In 2014 alone, The HSUS worked on dozens of animal fighting cases, resulting in 81 convictions.

Not only does our organization work to end dog fighting in this country, our efforts extend to cockfighting as well. In 2014, the HSUS helped federal prosecutors investigate and bring down the most notorious cockfighting pit in the nation. The Big Blue Sportsmen's Club of McDowell, Kentucky was a sophisticated criminal operation that had been in business for decades. Operating off of intelligence provided by the HSUS, the U.S. Department of Agriculture's Office of Inspector General shut down the fighting pit, seized over \$900,000 in assets, and sent five cockfighters to prison.

The HSUS has helped to pass over 55 state and federal laws on animal fighting – including laws to outlaw cockfighting and laws to make dogfighting a felony offense in all 50 states. In addition, we were the principal proponents of 2007's federal Animal Fighting Prohibition Enforcement Act, which makes interstate dog fighting activities a felony crime; and 2014's Animal Fighting Spectator Prohibition Act, which made it a federal crime to be a spectator at a dogfight or cockfight or to bring a child to such a fight. In a relatively short time period, there has been a sea change in the way our nation considers and punishes animal fighting and the HSUS believes the sentencing guidelines should be revised accordingly.

The last time the Commission addressed the guidelines for animal fighting offenses was in 2008, after the passage of the Animal Fighting Prohibition Act of 2007. The law, as enacted then, provided a maximum penalty of three years for a felony offense of dogfighting or cockfighting. Since that time, the case against Michael Vick galvanized the public against animal fighting, and in response, Congress raised the maximum penalty to five years. The HSUS believes a review of the sentencing guidelines is needed to not only reflect Congress' intent to increase the severity of the punishment for animal fighting, but also to represent the appalling and violent nature of the crime.

Moreover, we do not believe the current guidelines – which categorize animal fighting with gambling offenses – adequately recognizes the violent nature of dogfighting and cockfighting. Both are brutal activities that, and by their very nature, cause severe and inexcusable animal cruelty. Birds used in cockfighting have metal weapons attached to their legs and are forced to fight to the death. Dogs used in dogfights are specifically bred and trained for fighting and often die in the pit or days later from their injuries.

Despite this gratuitous violence and cruelty, we understand the current guidelines suggest a baseline sentence of six to twelve months in prison for animal fighting, and in practice, the typical sentence is less than a year. As we have seen firsthand in our work with law enforcement officers and prosecutors on animal fighting cases, such low sentencing recommendations and outcomes often discourage officials from pursuing the crimes with the level of gravity we believe should be given to these violent acts.

For these reasons, the HSUS is enormously pleased animal fighting offenses are being considered by the Commission and we support this issue being identified as a priority. On behalf of our members, thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Chynoweth', with a long horizontal flourish extending to the right.

Ann Chynoweth
Senior Director
Animal Cruelty and Fighting Campaign