

National Law Enforcement Council

A project by animal wellness **action** & animal wellness **foundation**

May 26, 2020

Brian Kuester
U.S. Attorney, Eastern District of Oklahoma
520 Denison Ave
Muskogee, OK 74401

Dear Mr. Kuester:

As co-chair of the National Law Enforcement Council, I write to ask for your attention and prosecution of ongoing felony violations of state and federal laws banning cockfighting and related activity. These violations were uncovered as part of an investigation conducted by Animal Wellness Action (AWA) and the Animal Wellness Foundation (AWF) and detailed in a recent story in *The Frontier*.

As the evidence provided herein shows, the Eastern District is fraught with individuals who have been involved in global trafficking and fighting of birds. An Oklahoma statute explicitly states a person shall be guilty of a felony for possessing, keeping, or training any bird with the intent that such bird shall engage in a cockfight. Section 26 of the Animal Welfare Act, 7 U.S.C. § 2156, and 21 OK Stat § 21-1692.4 (2014) forbids the buying, selling, delivering, possessing, training, and transportation of fighting animals across state or territorial lines.

We allege at least three operators within your jurisdiction are knowingly violating these statutes. I am enclosing reinforcing evidence detailing illegal cockfighting activities by John and Brenda Bottoms of Gunner Gamefowl Farm in Heavener; Bill McNatt of Cherokee Game Farm in Stigler; and Darrell Trammel of Moody Farm in Tahlequah. In addition to the self-incriminating statements these individuals recently made in *The Frontier*, the profile picture on the Moody Farm Facebook page features an individual believed to be Mr. Trammel on the cover of *Cockfighting Magazine*. This is an insult to the rule of law and an embarrassment to our state.

The U.S. Attorney's and District Attorney's office has an enforcement opportunity it can reasonably execute given the information assembled. While these individuals claim they are "breeders" it is obvious that this is a false cover for their illegal animal trafficking.

Through public records requests to the Guam Department of Agriculture, AWF and AWA obtained nearly 2,500 pages of avian shipping records dated November 2016 to September 2019. These records detail approximately 750 shipments of birds from more than a dozen states to Guam. We can provide you with the primary documents.

In these documents, shippers described over 8,800 of the shipped animals as "brood fowl." There is no legitimate explanation for this volume of shipments. First, Guam does not have a significant animal agriculture industry or a show-bird circuit. Second, the ratio of roosters to hens in these shipments of brood fowl was nearly 10 to 1 with some shipments being over 100 to 1. It's difficult to think of any animal agriculture industry that requires more males than females. Since it's the males that cockfighters conscript for fights, and with standard breeding protocols calling for those ratios to be inverted, any reasonable person would conclude that the purpose of these shipments was primarily for promoting the cockfighting industry, which is robust on the island.

The records reveal that three of the top five exporters to Guam from the U.S. reside within the Eastern District of Oklahoma – under your jurisdiction. The President signed the Agricultural Improvement Act (P.L. 115-334) in December 2018. It included a provision making it plain that the prohibitions against animal fighting should apply in all parts of the United States, including the territories. While that upgrade took effect on December 20, 2019 -- after a one-year grace period -- the United States has prohibited any shipments of fighting birds to U.S. territories from the states since 2002. That activity has been a felony offense since 2007.

Notably, the United States specifically prohibits any person from using the United States Postal Service (“USPS”) to promote or in any other manner further an animal fighting venture.¹ The primary means of long-distance shipping of fighting animals across state lines happens through the USPS. In the United States, there are thousands of cockfighting sellers, and they are involved in illegal trafficking of animals.

There is no legal ambiguity about the application of federal or state law to cockfighting practices that cross state and territorial lines. The United States and Oklahoma have chosen to ban this activity in all forms.

We have two primary requests: (1) begin an investigation into the breeders, shippers, and importers who trafficked in birds to Guam and (2) shut down these illegal operations in Oklahoma. This is a matter of the rule of law, of egregious animal cruelty, and an animal and human health threat, given the role of cockfighting in spreading bird flu.

Thank you for your attention to this serious matter. Sincerely,



W.A. Drew Edmondson
Co-Chair, National Law Enforcement Council Oklahoma Attorney General (1995-2011)

¹ “It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech for purposes of advertising an animal, or an instrument described in subsection (d), for use in an animal fighting venture, promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States,” according to the statute. 7 U.S.C. § 2156(c) (emphasis added); see also 7 U.S.C. 2156(g)(3) (defining “States” to include any territory of the United States).