

**PETITION BEFORE THE
UNITED STATES POSTAL SERVICE**

**THE HUMANE SOCIETY OF
THE UNITED STATES**

2100 L Street, NW
Washington, DC 20037,

Petitioner

Filed With:

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475 L'Enfant Plaza West, SW
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Docket No.

PETITION TO DECLARE ANIMAL FIGHTING MAGAZINES NONMAILABLE

This petition is submitted on behalf of The Humane Society of the United States (“The HSUS”) and requests action by the United States Postal Service (“USPS”) regarding the mailability of cockfighting magazines. Specifically, The HSUS requests that USPS: (1) declare “nonmailable” and refuse mailing *The Feathered Warrior* and *The Gamecock* magazines; and (2) revoke the periodical mailing privileges for *The Feathered Warrior* and *The Gamecock* magazines.

I. Interests of the Petitioner

Petitioner The HSUS is a non-profit charitable organization that promotes the protection of all animals. It maintains its headquarters in Washington, DC and is the largest animal protection organization in the United States, more than nine and a half million members and constituents in the United States. Since its inception in 1954, The HSUS has worked to foster

the humane treatment of all animals through several program initiatives, including combating animal cruelty and animal fighting. The HSUS condemns cockfighting as a malicious form of cruelty, and the practice is also opposed by the American Veterinary Medical Association, the American Society for the Prevention of Cruelty to Animals, the American Humane Association, the National Chicken Council, and more than 388 law enforcement organizations nationwide. As a result, The HSUS has a substantial interest in ensuring that the USPS does not mail materials that promote animal fighting ventures.

II. Background

A. Factual Background

Cockfighting involves pitting specially-bred roosters against each other in a fight to the death for the amusement and illegal wagering of spectators. Typically, handlers drug the birds to heighten their aggression and affix razor-sharp knives or ice pick-like gaffs to their legs. Birds suffer punctured lungs, gouged eyes, and other grievous wounds in these staged events. Even when a bird is gravely wounded during a fight, the bird will be forced to fight until a winner is declared. THE HSUS, *ILLEGAL ANIMAL FIGHTING: A LAW ENFORCEMENT PRIMER FOR THE INVESTIGATION OF COCKFIGHTING AND DOGFIGHTING* 34-35 (2004) (Attachment 1). Once a bird is incapable of being revived, the handler collects or pays out the amount wagered, and the bird (sometimes still barely alive) is tossed onto a heap of dead birds. See id.

Two cockfighting magazines, *The Feathered Warrior* and *The Gamecock*, shamelessly promote this cruel and illegal practice, and they use the USPS to prop up a nationwide network of criminals involved in illegal animal fighting. Cockfighting is illegal in forty-eight states and is a felony in thirty-two states, and federal law prohibits the interstate transportation or export of birds for fighting purposes. Id. at 29. Cockfighting remains legal in just a few counties and

parishes in New Mexico and Louisiana. Despite this, cockfighting is still a multi-million dollar business, thanks in part to publications like *The Feathered Warrior* and *The Gamecock*. Together, these publications have a circulation of well over 10,000 subscribers. The United Gamefowl Breeders Association, a national cockfighting organization, estimates its members sell more than \$600 million worth of gamefowl each year—many of them using the two magazines.

These magazines brazenly support cockfighting. For example, the January 2006 edition of *The Feathered Warrior* contains advertisements for “the Gamest Cocks Alive” and “Cocks” who “demand respect in the ring.” THE FEATHERED WARRIOR 3-4 (Verna A. Dowd ed., Jan. 2006 (Attachment 2)). Additionally, it contains numerous ads for cockfighting supplies, such as hormones that encourage “pure aggression” and that can be used to “prepare your cock for battle,” along with knives and weapons, such as “Articles of the Spur” that can be attached to the birds’ legs for fighting. *Id.* at 12, 15. Most astonishingly, *The Feathered Warrior* blatantly promotes an animal fighting venture by publishing several schedules for cockfighting matches, such as those held at the “Hill Top Game Club,” and the “Sunset Recreation Club,” both well-known cockfighting pits in Louisiana. *Id.* at 5, 9.

Moreover, the January 2006 edition of *The Gamecock* contains a significant number of advertisements for knives and gaffs—the weapons of cockfighting which are strapped to the birds’ legs to increase the fights’ bloody carnage. In this single edition, there are over ten advertisements for these cockfighting instruments, including some that are prominently displayed on glossy pages. THE GAMECOCK 0, 3, 28, 32, 36, 70, 73, 77, 117 (J.C. Griffiths ed., Jan. 2006) (Attachment 3). There are also numerous advertisements in *The Gamecock* for birds for sale for fighting purposes. For example, Ray Alexander in Alabama advertises birds who have been “winners” at Sunset, the largest cockfighting pit in the country. *Id.* at 6. Another

advertisement by John Kelso in Texas claims he produces a “superior fighting cock.” Id. at 7. Blue Fever Blues advertises its birds as having competed, “consistently performing and winning,” at all the major clubs in Texas, Louisiana, Oklahoma, Arizona, and Kentucky. Id. at 31. In another advertisement, Dee Cox in Alabama tells his customers, “These Cocks Have Won More BIG DERBIES Than Any One.” Id. at 79.

If there are any doubts that *The Feathered Warrior* and *The Gamecock* are selling birds for fighting, recent HSUS investigations should put those doubts to rest. During one phone call in which an HSUS investigator called the publisher of *The Gamecock* in Hartford, Arkansas, the publisher stated that he had “no problem” with using his magazine for the purpose of selling fighting birds. The HSUS, Report of Investigation 1 (Attachment 4). He further admitted to knowing there is a federal law against it and, thus, advised our investigator on how to “stay out of legal trouble” by not mentioning dates of cockfighting derbies his birds had won. Id. He also recommended that our investigator include a disclaimer in his advertisement stating that all birds for sale were for “show purposes”—even though he knew that to be false. Id. Similarly, when our investigator called the publisher of *The Feathered Warrior* in De Queen, Arkansas, the publisher confirmed that she could advertise fighting birds and fighting implements, such as gaffs and knives, in order to promote the venture of cockfighting. Id.

Cockfighting is also frequently linked to other criminal activities and violence. See ILLEGAL ANIMAL FIGHTING: A LAW ENFORCEMENT PRIMER FOR THE INVESTIGATION OF COCKFIGHTING AND DOGFIGHTING at 6-7 (Attachment 1). For instance, gambling is an integral component of organized cockfighting. Id. at 6, 33. At a cockfighting derby, cockers often pay a predetermined entry fee to enter a preset number of cocks. Id. at 6. The cocks are usually fought round-robin style, and the cocker whose fowl wins the most fights in a derby wins the purse. Id.

For example, more than \$90,000 was seized by state police during a raid on a large cockfighting derby in Oregon. *Id.*

In addition to gambling, the presence of illicit drugs and weapons at animal fighting contests is common. *Id.* at 6-7. According to an U.S. Attorney and several drug enforcement agents, major drug networks involving marijuana and methamphetamine trafficking have been tied directly to cockfighting in several states. *Id.* at 7. Raids on cockfighting operations have resulted in the seizure of large-scale narcotics operations and clandestine labs. *Id.*; see also, e.g., *Roosters Signal Raid*, Modesto Bee, Jan. 27, 2005, at B3 (search uncovered forty-two birds, two pounds of marijuana, and some methamphetamine) (Attachment 5). Stacey Mulick, *Authorities Arrest Nine in Meth, Rooster Case*, MORNING NEWS TRIB. (Tacoma, WA), Apr. 19, 2006, at B2 (investigators seized three pounds of crystal meth, four pounds of marijuana, several weapons, and eighteen caged fighting cocks) (Attachment 6). For example, in January 2005, authorities discovered dozens of gamecocks and cockfighting paraphernalia at a large methamphetamine lab in Ashe County, North Carolina. Monte Mitchell, *Tip Leads to Meth Lab, Cockfighting in Ashe*, WINSTON-SALEM JOURNAL, Jan. 19, 2005, at B1 (Attachment 7). In another case, California authorities confiscated as many as 5,000 marijuana plants, several firearms, and more than 100 roosters at a facility dedicated to cockfighting. NBC 11 News, *Deputies Bust Marijuana Farm, Cockfighting Ring* (Morgan Hill, CA), Aug. 1, 2004 (Attachment 8). Also, during a raid on a cockfight in the California county of San Luis Obispo in 1992, law enforcement agents seized thousands of rounds of ammunition along with twenty-seven guns and assault weapons. ILLEGAL ANIMAL FIGHTING: A LAW ENFORCEMENT PRIMER FOR THE INVESTIGATION OF COCKFIGHTING AND DOGFIGHTING at 7 (Attachment 1).

Violence is also frequently associated with organized cockfights, including at least twelve homicides around the country since 1987. *Id.*; see also Kevin Vaughan & Manny Gonzales, *Three Men Gunned Down at Stables*, ROCKY MTN. NEWS, Apr. 1, 1999, at A4 (three men found killed execution-style in Adams County, Colorado, which may have been related to cockfighting operations) (Attachment 9); The Associated Press, *Authorities Confiscate Roosters from Scene of Double Slaying*, Aug. 25, 2004 (two men found slain on a five-acre lot in Dallas, Texas that housed over 900 fighting roosters) (Attachment 10); Jerry Allegood, *Deputies Find Man Slain and Cockfight*, NEWS & OBSERVER (Raleigh, NC), Feb. 7, 2006, at B5 (shooting of man may be linked to dispute over cockfighting operation) (Attachment 11). Last year, in Plainview, California, two men were killed in a shooting in what neighbors believe was a dispute sparked by an illegal cockfight. Denny Boyles, *Neighbors Connect Cockfight to Killings, Two Men Are Found Shot in Rural Tulare County Community of Plainview*, FRESNO BEE, Feb. 20, 2005, at A1 (Attachment 12). In another case in Sacramento, California, a twenty-four year-old man died from gunshot wounds he received in a dispute over an illegal cockfight. Deepa Ranganathan, *Gunshot Wounds Fatal for Man*, SACRAMENTO BEE, Feb. 20, 2006, at B2 (Attachment 13).

There are also significant public health risks associated with organized cockfighting. The USDA itself has recently expressed concerns about the effects of cockfighting on agriculture and public health. In a May 2004 letter, then-USDA Secretary Ann Venneman noted that cockfighting has “been implicated in the introduction and spread of exotic Newcastle disease in California in 2002-2003, which cost U.S. taxpayers nearly \$200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export market.” Letter from Ann M. Venneman, Secretary of USDA, to Sen. Robert Bennett (May 24, 2004) (Attachment 14).

Additionally, avian influenza is linked to cockfighting. Because cockfighting is suspected of spreading bird flu from chickens to humans in Southeast Asia, in 2005, the United States Senate recently introduced and passed a bill to increase penalties for transporting fighting birds across state lines and from other counties. Animal Fighting Prohibition Enforcement Act of 2005, S. 382, 109th Cong. (2005), available at <http://thomas.loc.gov/cgi-bin/query/z?c109:S.382> (Attachment 15). Then-Agriculture Secretary Ann Venneman said the bill would enhance the department's ability to protect U.S. poultry against avian flu and other diseases, and her successor, Mike Johanns, expressed support for the bill during his confirmation process on a written response to Senator Rick Santorum, stating that it would help deter cockfighting, which "could play a role in the introduction and spread of exotic poultry diseases." Written Response from Mike Johanns to Sen. Rick Santorum (Jan. 31, 2005) (Attachment 16). A recent report by the New England Journal of Medicine also confirmed that most bird flu victims in Southeast Asia were people who had direct contact with birds, including people who handled and groomed fighting cocks. See Writing Committee of the World Health Organization, *Avian Influenza A (H5N1) Infection in Humans*, 353 N. ENGL. J. MED. 1374 (Sept. 29, 2005) (Attachment 17). For example, "infected fighting cocks may have caused at least eight confirmed human cases of avian influenza in Thailand and Vietnam since the beginning of 2004." Alan Sipress, *Cockfighting Increases Threat of Bird Flu*, WASH. POST, Apr. 14, 2005, at A16 (Attachment 18).

Thus, because cockfighting is an illegal animal fighting venture and is associated with other criminal activity, violence, and public health risks, the USPS should prohibit *The Feathered Warrior* and *The Gamecock* from using the United States mail service to promote this unlawful activity.

B. Legal Background

1. The Animal Welfare Act

After recognizing that animal fighting had become an interstate enterprise supported by advertisements found in nationally-circulated magazines, the U.S. Congress amended the Animal Welfare Act (“AWA”) in 2002 to prohibit animal fighting ventures. See 7 U.S.C. § 2156. The AWA now provides that “[i]t shall be unlawful for any person to knowingly use the mail service of the U.S. Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.”¹ 7 U.S.C. § 2156(c). Additionally, “[a]ny person who violates subsection (a), (b), or (c) of this section *shall* be fined not more than \$15,000 or imprisoned for not more than 1 year, or both, for each such violation.” Id. § 2156(e) (emphasis added).

2. The Postal Act

Pursuant to a provision of the Postal Act, “matter the deposit of which in the mail is punishable under . . . section 26 of the Animal Welfare Act is nonmailable.” 39 U.S.C. § 3001(a). Additionally, the Postal Act provides that “nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.” Id. § 3001(b).

The Postal Act generally precludes application of the Administrative Procedure Act (“APA”) to the USPS.² 39 U.S.C. § 410(a); see also Nat’l Easter Seal Soc’y for Crippled Children and Adults v. United States, 656 F.2d 754, 766 (D.C. Cir. 1981) (holding that USPS was not required to follow notice and comment rulemaking procedures because “Congress . . .

¹ “Animal fighting venture” is defined as “any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment” 7 U.S.C. § 2156(g)(1). The term “animal” is defined as “any live bird, or any live dog or other mammal, except man.” Id. § 2156(g)(5).

² However, “section 552 (public information), section 552a (records about individuals), section 552b (open meetings) . . . of title 5 . . . *shall apply* to the Postal Service.” 39 U.S.C. § 410(b) (emphasis added).

intended to make clear that the Postal Service would not be subject to the APA”). However, the Postal Act also provides that “proceedings concerning the *mailability of matter* under this chapter . . . shall be conducted in accordance with chapters 5 and 7 of title 5.” 39 U.S.C. § 3001(m) (emphasis added). Additionally, a federal district court has indicated that “[w]hile the Postal Service is generally exempt from the provisions of the [APA], . . ., the APA specifically applies to proceedings concerning the mailability of matter.” Aimes Publications, Inc. v. U.S. Postal Serv., No. CIV.A.86-1434, 1988 WL 19618, at *5 n.10 (D.D.C. Feb. 23, 1988). Further, “[i]t does not matter . . . whether traditional APA review is foreclosed, because ‘judicial review is favored when an agency is charged with acting beyond its authority.’” Aid Ass’n for Lutherans v. U.S. Postal Serv., 321 F.3d 1166, 1172 (D.C. Cir. 2003) (quoting Dart v. United States, 848 F.2d 217, 221 (D.C. Cir. 1988)).

3. The Domestic Mail Manual

a. *Nonmailability*

The Domestic Mail Manual (“DMM”) is a loose-leaf document published and maintained by the USPS that is a part of the Postal Service’s regulations. See 39 C.F.R. § 211.2(a)(2). In recognition of the clear Congressional mandate against using the USPS for mailing materials that promote animal fighting activities, see 7 U.S.C. § 2156 and 39 U.S.C. § 3001(a), the USPS promulgated a rule that specifically makes such matter nonmailable. The DMM declares that “[w]ritten, printed, or graphic matter (e.g., advertisements) promoting or furthering an animal fighting venture conducted in any state (except a venture involving live birds permitted under the laws of the state in which the fight is conducted) is nonmailable under 7 USC 2156.”³ DMM 601.12.5.7. Moreover, “any advertising, promotional, or sales matter that solicits or induces the

³ For this standard, “animal” means “any live birds, or any live dog or other mammal, except man” and “animal fighting venture” means “any event involving a fight between at least two animals that is conducted for sport, wagering, or entertainment.” DMM 601.12.5.7(a) & (b).

mailing of any article described in 8.0, 9.0, or 10.0 is nonmailable.” DMM 601.12.4.1. Because the DMM describes “adult fowls” in section 9.3.4 and prohibits the mailing of any “live animal” for the purpose of participating in an animal fighting venture in section 9.3.1, then any advertising, promotional, or sales matter that solicits or induces the mailing of gamecocks, roosters, or adult fowl is thereby nonmailable.

Should nonmailable material be deposited in the mail, the USPS “reserves the right to refuse nonmailable or improperly packaged articles or substances.” DMM 601.1.7. Also, “USPS employees may refuse an article for mailing . . . [that is] otherwise revealed to be nonmailable.” DMM 601.8.11.

b. *Periodical Mailing Privileges*

Despite the fact that The Gamecock and The Feathered Warrior are “nonmailable” pursuant to the AWA, the Postal Act, and Chapter 601 of the DMM, the packaging of both of these publications indicates that they receive periodical mailing privileges from the USPS.⁴ However, publications must meet the basic eligibility standards prescribed in Chapter 707 of the DMM in order to qualify for the discounted periodical mailing rate. Such basic eligibility standards include qualifying under one of five specific categories,⁵ as well as publishing at a regular frequency of at least four times per year with the intent to continue publication indefinitely, maintaining a known office of publication, and meeting certain advertising standards. See generally DMM 707.4.0. In particular however, “[o]nly newspapers and periodical publications *meeting the mailability standards* in [Chapter] 601 . . . may be authorized mailing at the Periodicals rates.” DMM 707.4.3 (emphasis added).

⁴ *The Feathered Warrior’s* mailing envelope states “PERIODICAL POSTAGE PAID AT DEQUEEN, AR 71832-9276 (USPS 188600),” and *The Gamecock’s* mailing envelope states “Periodicals Postage PAID AT Hartford, AR 72938.” See Attachments 19 and 20.

⁵ The five categories are: (1) general publications; (2) publications of institutions and societies; (3) publications of state departments of agriculture; (4) requester publications; and (5) foreign publications. DMM 707.4.2.

The USPS has established specific procedures for applying for periodical mailing privileges. See generally DMM 707.5.0. Publishers must submit an application (Form 3500), two copies of the publication marked to show the advertising content and the percentage of advertising, the appropriate supporting documents depending on the publisher's chosen qualification category, and an application fee. DMM 707.5.1. The Pricing and Classification Service Center ("PCSC") manager then rules on all applications for periodical mailing privileges. DMM 707.5.3.1.

While a PCSC manager's grant of an application "does not represent a USPS determination that a publication is mailable under 39 USC 3001(a)," DMM 707.5.3.3, the USPS can "revoke[] a publication's . . . Periodicals mailing privileges if it finds, after a hearing, that the publication . . . no longer meets the applicable standards," DMM 707.5.4.1. The revocation procedure begins with the PCSC manager asking the publisher to submit information on a publication's eligibility for periodical mailing privileges, and then the manager determines whether the publication is no longer entitled to such privileges. DMM 707.5.4.2. Once the PCSC makes such a determination, a notice of revocation of periodical mailing privileges is sent to the publisher, stating the reasons for the ruling. Id.

A ruling to revoke a publication's periodical mailing privileges takes effect fifteen days from the publisher's receipt of the notice unless, during that time, an appeal is filed through the PCSC with the manager of Mailing Standards. DMM 707.5.4.3. If the manager denies the publication's appeal, that is the final agency action, and the revocation becomes effective fifteen days from the publisher's receipt of the denial, unless, during that time, an appeal is filed with the USPS Recorder pursuant to 39 C.F.R. part 954. Id.

III. The Petitioned Action and the Legal Grounds in Support Thereof

Pursuant to the Right to Petition Government Clause contained in the First Amendment of the United States Constitution⁶ and the Administrative Procedure Act,⁷ the undersigned submit this citizen petition requesting: (1) the USPS to declare “nonmailable” and to refuse mailing *The Feathered Warrior* and *The Gamecock*; and (2) the USPS to revoke the periodical mailing privileges for *The Feathered Warrior* and *The Gamecock*.

These actions are necessary to comply with the expressed intent of Congress under the AWA and the Postal Act, as well as the expressed intent of the USPS under the DMM. In addition, The HSUS requests that the USPS take these actions to promote animal welfare and to protect the public from criminal activities, violence, and the increased health risks associated with cockfighting, such as exotic Newcastle disease and avian influenza.

A. USPS Should Declare the Two Cockfighting Magazines Unmailable and Refuse These Articles for Mailing.

The AWA prohibits “any person to knowingly use the mail service of the [USPS] . . . for purposes of promoting or . . . furthering an animal fighting venture.” 7 U.S.C. § 2156(c). For mail matter that is in violation of this provision of the AWA, the Postal Act deems such matter to be nonmailable. 39 U.S.C. § 3001(a) (“matter the deposit of which in the mail is punishable under . . . section 26 of the [AWA] *is nonmailable*”) (emphasis added). Likewise, the DMM explicitly declares such matter to be nonmailable by providing that “[w]ritten, printed, or graphic matter (e.g., advertisements) promoting or furthering an animal fighting venture . . . *is nonmailable* under 7 USC 2156.” DMM 601.12.5.7 (emphasis added). Additionally, “any

⁶ “Congress shall make no law . . . abridging . . . the right to people . . . to petition Government for a redress of grievances.” U.S. Const., amend. I.

⁷ 5 U.S.C. § 553(e) (“Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”). Because the petitioned action concerns the mailability of matter, the USPS is subject to the petition provisions of the APA. 39 U.S.C. § 3001(m); see also supra pp. 8-9.

advertising, promotional, or sales matter that solicits or induces the mailing of [live animals for the purpose of participating in an animal fighting venture or adult fowls] *is nonmailable.*” DMM 601.12.4.1, 601.9.3.4, and 601.9.3.1 (emphasis added).

Undoubtedly, the cockfighting magazines *The Feathered Warrior* and *The Gamecock* are blatantly promoting and furthering fighting animal ventures, as evidenced by their numerous advertisements for live birds and fighting gamecocks, cockfighting supplies and weapons, and schedules for cockfighting matches. See supra pp. 3-4. For example, the January 2006 edition of *The Feathered Warrior* is filled with advertisements for fighting birds and match schedules for cockfighting pits. See generally Attachment 2. Likewise, the January 2006 edition of *The Gamecock* is also packed with advertisements for fighting knives and gaffs and derby-winning cocks. See generally Attachment 3.

Moreover, The HSUS investigator uncovered the publishers’ own admissions that these two magazines are mailed and distributed for the purpose of promoting animal fighting ventures. For example, the publisher of *The Gamecock* stated that he had “no problem” with using his magazine for the purpose of selling fighting birds, but warned the undercover investigator to include a disclaimer in his advertisement that all birds for sale were for “show purposes,” in order to “stay out of legal trouble.” See supra p. 4. Similarly, the publisher of *The Feathered Warrior* acknowledged that the magazine could advertise fighting birds and fighting implements, such as gaffs and knives, in order to further the venture of cockfighting. Id.

As a result of the aforementioned advertisements, *The Feathered Warrior* and *The Gamecock* are clearly promoting and furthering cockfighting and are using the USPS to support this cruel, violent, and illegal type of fighting animal venture. Accordingly, these magazines are in violation of the AWA, 7 U.S.C. § 2156(c), and, therefore, must be declared nonmailable

pursuant to the Postal Act, 39 U.S.C. § 3001(a), and the DMM, 601.12.5.7 and 601.12.4.1. Hence, we respectfully request the USPS to declare nonmailable *The Feathered Warrior* and *The Gamecock* and to publish its declaration in the Federal Register, pursuant to 5 U.S.C. § 552(a).

Additionally, the USPS has the authority to refuse such nonmailable articles for mailing. DMM 601.1.7 (USPS “reserves the right to refuse nonmailable or improperly packaged articles or substances”); DMM 601.8.11 (“USPS employees may refuse an article for mailing . . . otherwise revealed to be nonmailable”). Moreover, “nonmailable matter which reaches the office of delivery” may be “seized or detained for violation of law,” and “shall be disposed of as the Postal Service shall direct.” 39 U.S.C. § 3001(b). Therefore, we also request that the USPS issue notices to its postal offices in De Queen, Arkansas and Hartford, Arkansas—and all the other offices from where the magazines may be mailed—mandating that *The Feathered Warrior* and *The Gamecock* must be refused for mailing, seized, and disposed of, in order to ensure that these two cockfighting magazines no longer utilize the USPS for their illegal purposes.

B. USPS Should Revoke the Periodical Mailing Privileges of the Two Cockfighting Magazines.

“Only newspapers and periodical publications *meeting the mailability standards* in [Chapter] 601 . . . may be authorized mailing at the Periodicals rates.” DMM 707.4.3 (emphasis added). Chapter 601 of the DMM provides that “[w]ritten, printed, or graphic matter (e.g., advertisements) promoting or furthering an animal fighting venture . . . is nonmailable under 7 USC 2156.” DMM 601.12.5.7. Chapter 601 of the DMM also provides that “any advertising, promotional, or sales matter that solicits or induces the mailing of [live animals for the purpose of participating in an animal fighting venture or adult fowls] is nonmailable.” DMM 601.12.4.1, 601.9.3.4, and 601.9.3.1.

Because *The Feathered Warrior* and *The Gamecock* are undoubtedly promoting and furthering fighting animal ventures, since they contain numerous advertisements for live birds and gamecocks, cockfighting supplies and weapons, and schedules for cockfighting matches, these magazines are nonmailable pursuant to Chapter 601 of the DMM. Therefore, these periodical publications do *not* meet Chapter 601's mailability standards and, thus, may not be authorized to receive periodical mailing rates from the USPS. DMM 707.4.3 (emphasis added). As a result, we respectfully request the USPS Pricing and Classification Service Center ("PCSC") manager to hold a hearing and make a determination that *The Feathered Warrior* and *The Gamecock* are no longer eligible for periodical mailing privileges. DMM 707.5.4.1 and 707.5.4.2.

We also respectfully request the PCSC manager to initiate revocation procedures, including sending a revocation notice to publishers of *The Feathered Warrior* and *The Gamecock*, pursuant to Chapter 707 of the DMM. DMM 707.5.4.2. Once the PCSC makes the above determination that these two publications are no longer eligible for periodical mailing rates, the PCSC must send a notice of revocation to the offices of publications, stating the reasons for the ruling. Id.

IV. Conclusion

As is abundantly clear from the foregoing discussion, the requested action is essential to ensure compliance with applicable law and to prevent the usage of the U.S. mail system to promote cockfighting, a malicious form of animal fighting that is illegal, incites other criminal activity and violence, and poses significant public health risks. It is time that the USPS follow Congress' mandate and its own regulations by immediately declaring *The Feathered Warrior* and *The Gamecock* nonmailable and revoking these publications' periodical mailing privileges.

Respectfully submitted,

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