



## Olé, Olé, Olé, Oh No!: Bullfighting in the United States and Reconciling Constitutional Rights with Animal Cruelty Statutes

Angela N. Velez\*

### I. INTRODUCTION TO ANIMAL FIGHTING

Consider scenario one. A dog lies on the cold, hard floor of a dark room. He has not eaten for days. A door suddenly opens, providing a glimmer of light. Before the dog can get too excited, a stranger pulls the dog from his chainlink cage and drags him to a wooden arena to face his opponent: another dog. Given the dogs' selective breeding and forced exercise regimens, the dogs were undoubtedly bred and raised to fight.<sup>1</sup> After months of training in isolation, the dogs are clearly aroused by each other's presence.<sup>2</sup> The fight begins. The dogs are encouraged to battle and are expected to put on a bloody show for the spectators. The battle ends only when one dog cannot continue; sadly, however, many dogs do not die during the fight. Rather, they succumb to their injuries or die at the hands of losing, disappointed, and angered owners.<sup>3</sup>

---

\* J.D. Candidate, The Dickinson School of Law of the Pennsylvania State University, 2011; B.A. Political Science & Spanish, *cum laude*, University of Delaware, 2006. The author wishes to thank Professors Thomas Place and Mary Kaye Polacheck for their assistance and mentorship throughout the comment process. She also wishes to thank her family and friends for their constant love, support, and encouragement. Specifically, she would like to thank friends Luis E. Ocasio and Corey-Scott Smith for bringing humor and joy to her law school experience.

1. See ASPCA, <http://www.aspc.org/fight-animal-cruelty> (follow "A Closer Look at: Dog Fighting" hyperlink; then follow "Dog Fighting FAQ" hyperlink; then see "Can All Dogs Be Trained to Fight?") (last visited Jan. 24, 2010).

2. See *id.* (follow "A Closer Look at: Dog Fighting" hyperlink; then follow "Dog Fighting FAQ" hyperlink; then see "How Are Fighting Dogs Raised and Trained?").

3. See *id.* (follow "A Closer Look at: Dog Fighting" hyperlink; then follow "Dog Fighting FAQ" hyperlink; then see "How Long Do Dog Fights Last?" and "What Happens to the Losing Dog?").

Now, consider scenario two. A rooster sits in a tiny wire crate. A stranger forces the rooster from the crate and prepares him for combat. His once full-feathered body is now almost bare, each feather plucked plume by plume, so that his opponent has fewer feathers to grab during the fight.<sup>4</sup> Razor-edged spurs are attached to the rooster's small feet to maximize his ability to cause injury to his rival rooster.<sup>5</sup> The rooster, like the dog, was bred for aggression and trained to fight.<sup>6</sup> "The birds are teased into a fighting humor while held in the hand, and viciously pluck at each other's heads; now they are dropped on the ground with a quick movement, and at the order of the referee[,] they are at it."<sup>7</sup> A gory battle ensues between the two birds, as each uses its metal spurs to tear skin, puncture eyes, and break bones.<sup>8</sup> The goal of the fight is not the birds' deaths, but death is frequently the result.<sup>9</sup> Many roosters die from injuries that are inflicted by their opponents' spurs.

Finally, consider scenario three. A bull grazes on an open ranch where he has lived since his birth. A stranger hurries the bull from the field and prods him into a narrow crate to be transported by truck to the *plaza de toros*, or bullring.<sup>10</sup> The stranger then lures the bull from the crate into a dark holding pen where he waits until he is called to the bullring.<sup>11</sup> The bullpen door is opened, and the bull charges into the ring. He is both agitated from his confinement and relieved by his release into the spacious arena. Suddenly, a man on horseback thrusts a sharp pic<sup>12</sup> into the base of the bull's neck and then quickly removes it.<sup>13</sup> Another man on horseback attacks the bull with a second pic. The bull is now on alert that he must fight. This fight is not at the ranch where he once fought other bulls over territory, or even over a mate. This fight has higher stakes for the bull: he must fight *man* for his life. The bull's neck, already weakened by the pics, is lowered as he attacks a third man and

---

4. See *id.* (follow "A Closer Look at: Cockfighting" hyperlink).

5. See *id.*; see also William Dinwiddie, *Puerto Rico: Its Conditions and Possibilities*, in *THE COCKFIGHT: A CASEBOOK* 26, 28 (Alan Dundes ed., 1994) (noting the use of the metal spurs in cockfights in the United States).

6. See ASPCA, *supra* note 1 (follow "A Closer Look at: Cockfighting" hyperlink).

7. See Dinwiddie, *supra* note 5, at 28.

8. See ASPCA, *supra* note 1 (follow "A Closer Look at: Cockfighting" hyperlink).

9. See *id.*

10. GARRY MARVIN, *BULLFIGHT* 4 (Univ. of Ill. Press 1994) (1988); see also JANICE W. RANDLE, *ISSUES IN THE SPANISH-SPEAKING WORLD* 27 (Greenwood Press 2003).

11. See MARVIN, *supra* note 10, at 6.

12. See JOHN LEIBOLD, *THIS IS THE BULLFIGHT* 123 (A.S. Barnes and Co., Inc. 1971) ("[A pic is] a spearlike pole nearly nine feet long. The end of this pole is garnished with a triangular, pyramid-shaped, steel tip, an inch long. . . . [A metal cross-piece sits three inches above the steel tip] to prevent the point from penetrating more than four inches into the bull.").

13. See *id.* at 124.

prepares to gore him.<sup>14</sup> The man then shoves ornamented wooden barbs, or *banderillas*,<sup>15</sup> between the shoulders of the bull.<sup>16</sup> The exhausted bull must fight the pain and weakness of his muscles to continue the battle. However, the *banderillas* and the bull's own exhaustion force his head to remain low; the bull's final adversary, yet another man known as the matador,<sup>17</sup> is thus able to reach over the bull's horns and thrust his sword between the bull's shoulders.<sup>18</sup> The bull, bloody and weak from the series of attacks he has endured, falls to the ground and dies.

Although the players may change, the game remains the same. In each scenario, the animal's natural aggression is amplified because the animal is forced to fight and defend itself at the hands of human interveners.<sup>19</sup> The ill-famed Michael Vick scandal brought the issue of animal fighting into the limelight. Investigators discovered that Vick, an Atlanta Falcons' football player, kept sixty-six dogs at his Virginia home.<sup>20</sup> Evidence gave cold testimony to the existence of an organized dog fighting operation; investigators found "treadmills rigged for training, 'break sticks' used to pry apart the powerful jaws of fighting [dogs], blood-soaked carpeting, [and] veterinary medicines for treating wounds. . . ."<sup>21</sup> The scandal piqued public interest and hardened the hearts of many Americans who commonly view dogs as "man's best friend."

While dogs are popular pets and as a result draw high levels of support from the American public, roosters and bulls are not commonplace animals for most Americans. Can the lack of emotional bond with roosters and bulls explain the lack of both concern for and media attention to cockfighting and bullfighting in the United States, even though these, too, involve animals dying at the hands of human interveners?

Arguably, the public should be no less concerned about cockfighting or bullfighting than it is about dog fighting. Nevertheless, people have always distinguished these animal fighting practices. For

---

14. See *id.* at 146.

15. The Spanish spelling of *banderilla* will be used throughout this Comment. The Portuguese spelling, *bandarilha*, though found in some of the Comment's source materials, will not be used.

16. See LEIBOLD, *supra* note 12, at 146.

17. The matador is the principal bullfighter who customarily makes final passes of the cape and ultimately kills the bull. See LEIBOLD, *supra* note 12, at 43.

18. See LEIBOLD, *supra* note 12, at 225.

19. Cf. Erin N. Jackson, *Dead Dog Running: The Cruelty of Greyhound Racing and the Bases for Its Abolition in Massachusetts*, 7 ANIMAL L. 175, 192-202 (2001) (noting the similarities among dog fighting, cockfighting, and bullfighting).

20. Paul Newberry, *Inside the World of Dogfighting*, DAILY PRESS VA., June 8, 2007, at A1, available at 2007 WLNR 10789426.

21. See *id.*

---

---

example, in *The Cockfight*, one author argues that “cock-mains are more reprehensible morally than bullrings, since in the former is displayed a brutal fight to the death between . . . plucky birds, while the latter call for an exhibition of skill of hand and nerves of iron on the part of the human participants.”<sup>22</sup>

Do a bullfight’s *artistic* qualities truly negate its cruel nature? Is the practice of bullfighting less reprehensible than other forms of animal fighting because the bull’s death is not the result of a wild brawl with another animal but is instead caused by the hands of a human who asserts religious and cultural rights to the practice? This Comment will address these questions.

Part II.A of this Comment describes the practice of bullfighting in Europe as well as the religious and cultural significance of the bullfight. Part II.B addresses bullfighting’s journey from Europe to the Americas and specifically, its practice by Portuguese communities in California’s Central Valley.

In Part III of this Comment, Section A introduces the California statutes regarding (1) cruelty to animals and (2) bullfighting. Section B addresses a total ban on the practice of bullfighting in the United States and discusses decreasing support of bullfighting internationally. Section C discusses the flaws in the California statutes, specifically the religious exception that is currently within California’s bullfighting statute. Part IV presents points of compromise and proposes suggestions for how to reconcile current practices of persons in the Portuguese communities with trends in animal cruelty statutes. Part V, the conclusion, encourages implementation of a total ban on the practice of bullfighting.

## II. BACKGROUND

### A. *Bullfighting in Europe*

Although bullfighting is most commonly associated with European countries, particularly Spain, the true origin of the bullfight is heavily debated among historians and writers. Some people attribute the bullfight to the Romans and claim the bullfight is an evolution of the Roman entertainments, while others associate bullfighting with the Muslims as an indigenous practice.<sup>23</sup> Additionally, some people attribute

---

22. See Dinwiddie, *supra* note 5, at 27.

23. ADRIAN SHUBERT, *DEATH AND MONEY IN THE AFTERNOON: A HISTORY OF THE SPANISH BULLFIGHT* 7 (Oxford Univ. Press 1999).

bullfighting's origin to religious celebrations and bull-worship in the Near East, North Africa, and the Mediterranean.<sup>24</sup>

Like the fight's origin, the practice varies from country to country. For example, in Spain, the fight includes the kill as part of the bullfighting spectacle, while in Portugal, the bull is killed in a more private setting outside the bullring following the bullfight.<sup>25</sup> Although it should be acknowledged that there are differences in each country's style of bullfighting, the life of the bull, the bull fight, and the death of the bull, all of which will be discussed more generally below, are reviewed in this Comment without regard to a specific country's bullfighting practices.

### 1. The Bull

Except for the fate that awaits the fighting bull, bulls are very well-maintained. Fighting bulls are thoroughbred and live on the open range until they are brought to the bullring.<sup>26</sup> Bulls are chosen to fight when they are four to six years old. Both younger and older bulls may be fought, but they are less desirable than bulls that fall within the noted age range.<sup>27</sup>

A fighting bull lives a reasonably calm life, and the best pastures and foods are available to him.<sup>28</sup> A young calf remains with his mother and lives off of her milk until he is about eight months old, at which point he is weaned and separated from the mother.<sup>29</sup> When the calf reaches about one year of age, he is branded and returned to the pasture until he is roughly two years of age.<sup>30</sup> At two years of age, the bull begins "bravery tests" to prepare for his ultimate fight in the bullring.<sup>31</sup>

---

24. See MARVIN, *supra* note 10, at 52 (asserting that the bullfight evolved from aristocratic practice of bull hunting on horseback); see also SHUBERT, *supra* note 23, at 7 (noting the theory that bullfighting is an indigenous Iberian practice that evolved from the hunting of wild bulls).

25. ANGUS MACNAB, *FIGHTING BULLS: AN ACCOUNT OF THE BULLFIGHT* 88 (Harcourt, Brace and Company 1959).

26. See LEIBOLD, *supra* note 12, at 30.

27. See *id.* at 31. Leibold notes that bulls younger than four years old are too underdeveloped to fight, and bulls over six years old are "too crafty and too wise to permit brilliance with the cloth." *Id.* Younger bulls are often chosen by more seasoned fighters while older bulls are fought by amateur and lesser-known fighters. *Id.*

28. See MACNAB, *supra* note 25, at 38.

29. See *id.* at 39.

30. See *id.*

31. See *id.* Macnab discusses the tests the bulls endure, including the use of the pic and the process of "pursuit and knocking over," in which the bull is separated from the herd, chased, and knocked down until it finally turns to fight. *Id.* The bulls are routinely tested until they reach fighting age. *Id.* In testing the bulls, however, the *picador* must be careful not to provide the bull with an experience that mirrors the actual bullfight

## 2. The Fight

Contrary to popular belief, the bull does not charge the matador's cloth because it is red; rather, the bull charges the cloth because of its movement.<sup>32</sup> Regardless of whether the matador uses the small red *muleta* or a larger red and gold *capote*, each movement of the cape is referred to as a *suerte*.<sup>33</sup> The *suertes* are made to test the agility of the bull, as well as to dominate him and tire him.<sup>34</sup> The final *suerte*, the *suerte suprema*, represents the moment when the matador is prepared to slay the bull.<sup>35</sup>

## 3. The Kill: The Moment of Truth<sup>36</sup>

By the time the matador is ready to kill the bull, the bull has been poked, prodded, hassled, and he has lost plenty of blood. The matador continues to make passes of the cape until the bull is sufficiently tired and his head is hung low.<sup>37</sup> The bull is exhausted, and his imminent death may come as a blessing, as illustrated by the following passage: "The bull is blind by now. From the blood and the tension and the noise. He is not used to this. . . . The blindness is a comfort to him. It makes it less complicated. It begins to prepare him for his trip away from us."<sup>38</sup>

With the bull's head low and his neck and shoulders exposed, the matador is able to make one last pass of the cape and thrust his sword between the bull's shoulders as the bull passes him.<sup>39</sup> The matador intends to sever the bull's aorta, resulting in a fairly quick death.<sup>40</sup>

---

because when the bull arrives in the ring, it is expected that the bull is "virginal in that respect." *Id.*

32. See LEIBOLD, *supra* note 12, at 30.

33. JOSE LUIS RAMON & ROSA OLIVARES, *PASSES: THE ART OF THE BULLFIGHT* 35 (Rizzoli Int'l Publ'ns 2001). *Suerte* has many meanings in the Spanish language and the bullfighting world. *Id.* It is used to refer to the pass of the bullfighter's small red cloth, or the *muleta*. *Id.* *Pases* are those *suertes* performed with the *muleta*. *Id.* *Suerte* also references the bullfighters movements with the larger cloth called the *capote*. *Id.* *Lances* are those *suertes* performed with the *capote*. *Id.*

34. See LEIBOLD, *supra* note 12, at 110, 223.

35. See RAMON & OLIVARES, *supra* note 35, at 182 (noting the last pass of the matador's cape is called the *suerte suprema*).

36. See LEIBOLD, *supra* note 12, at 223. The final action of the bullfight, the kill, is commonly referred to as "*la hora de la verdad*." *Id.* The saying translates to English as "the moment of truth." *Id.*

37. See MACNAB, *supra* note 25, at 51.

38. Lisa Meltzer, *Toro, Torero: Matador and Bull Re-Enact an Ancient Pagan Ritual*, in *TRAVELERS' TALES: SPAIN* 208, 210 (Lucy McCauley ed., 2002).

39. See LEIBOLD, *supra* note 12, at 225.

40. Interview by Mayra Calvani with Alyx Dow, Programs Officer (Anti-Bullfighting) for the World Society for the Protection of Animals (Sept. 3, 2008), available at <http://www.americanchronicle.com/articles/view/72979>.

Depending on the matador's placement of the sword, however, blood will trickle from the bull's nose and mouth as the result of the sword's having skimmed a lung; alternatively, blood may pour from the bull's other orifices if the sword has instead pierced the lung.<sup>41</sup> Wherever the final thrust lands, the wounded bull falls to the ground and dies in the sand of the bullring.<sup>42</sup>

## *B. Bullfighting and its Movement to the United States*

### 1. Bullfights in the United States

Although bullfighting is a practice that is most frequently associated with Spain and other European countries, bullfighting in the United States is not a new phenomenon. Portuguese immigrants, most of whom were dairy farmers, settled in California's Central Valley from Portugal and the Azorean Islands.<sup>43</sup> Along with their trades, the Portuguese brought their cultural and religious practices to the region,<sup>44</sup> and as a result, bullfighting found a home in California.<sup>45</sup>

---

41. See LEIBOLD, *supra* note 12, at 226.

42. See *id.* at 227. Leibold asserts that cowardice on the part of the matador often times results in a poorly placed sword and disgraceful death for the bull. *Id.*

43. Isao Fujimoto & Gerardo Sandoval, *Tapping into California's Central Valley's Hidden Wealth; Its Rich Cultural Capital*, 17 LA RAZA L.J. 245, 252 (2007); see also Patricia Lee Brown, *In California Bullfights, the Final Deed is Done With Velcro*, N.Y. TIMES, at A14, available at <http://www.nytimes.com/2001/06/27/us/in-california-bullfights-the-final-deed-is-done-withvelcro.html?pagewanted=all#>. See generally ROBERT L. SANTOS, AZOREANS TO CALIFORNIA: A HISTORY OF MIGRATION AND SETTLEMENT 33-51 (Alley-Cass Publ'ns 1995). Settlers of the Azorean islands were primarily persons from Portugal. *Id.* at 33-43. Azoreans immigrated to California for differing reasons, among the reasons being the Portuguese government's mandatory military enlistment beginning around the year 1800, the discovery of gold in California, and other economic opportunities. *Id.* United States immigration laws halted Portuguese immigration throughout the 1920s, but following natural disasters in the Azores in the 1960s, U.S. refugee laws again allowed Azoreans to immigrate to the United States. *Id.* at 43-51. Data on first and second generation Portuguese immigrants shows that California and Massachusetts have always had the largest concentrations of Portuguese people. *Id.*

44. See Fujimoto & Sandoval, *supra* note 43, at 252.

45. See *id.* Cf. PETA Protests Vegas Bloodless Bullfights, Sept. 14, 2009, <http://www.fox5vegas.com/news/20911231/detail.html> (noting that bloodless bullfights are also performed in Las Vegas on various occasions, with the most recent fight having occurred at the end of September 2009 in celebration of Mexican Independence Day activities); Legislation Prohibiting or Restricting Animal Acts, [http://www.circuses.com/pdfs/AnimalActs\\_Legislation.pdf](http://www.circuses.com/pdfs/AnimalActs_Legislation.pdf) (last visited Jan. 3, 2010) (listing states and other localities that have banned certain animal acts including a ban on bloodless bullfighting in Florida and Massachusetts).

In 1957, the California legislature expressly banned bullfighting; however, lawmakers created a religious exemption within the statute.<sup>46</sup> The statute<sup>47</sup> prohibits the promotion of, management of, and participation in any bullfight—including the bloodless bullfight—except those bloodless bullfights held in connection with religious celebrations or religious festivals.<sup>48</sup> As a result, the State has eight bullrings in which these Portuguese communities host bullfights during religious events.<sup>49</sup> The communities conduct about twenty bullfights throughout California each year, usually on Mondays from May through October.<sup>50</sup>

## 2. *Bloodless Bullfights?*

A *bloodless bullfight*. The phrase sounds like an oxymoron, but organizers of the California bullfights insist that their bullfights are bloodless.<sup>51</sup> In the bloodless bullfight, a Velcro adaptation of the *banderilla* is supposed to be substituted for the barbed version.<sup>52</sup> Dennis Borba, the only active professional American-born matador, invented the Velcro adaptation of the *banderilla* and presented it to the bullfighting world in 1980.<sup>53</sup> The Velcro *banderilla* is purported to cause less harm to the bull because the bull wears a Velcro across his back and the *banderilla*'s barbed tip is replaced with a Velcro tip.<sup>54</sup> Therefore, the adaptation is able to provide the same visual effect of the *banderilla*'s latching onto the bull, but it is not supposed to cause injury to the animal.<sup>55</sup>

---

46. CAL. PENAL CODE § 597m (West 1999).

47. See *infra* Part III.A.1.

48. CAL. PENAL CODE § 597m.

49. See Fujimoto & Sandoval, *supra* note 43, at 252; see also Our Lady of Fatima Society Portuguese Hall, <http://www.fatimahall.com/> (promoting the group's two halls and bullring for those who wish to lease space to host an event in Thornton, California). See generally Brown, *supra* note 43. Brown highlights that bullfights, like those held in Stevinson, California, are attended by many people of the Portuguese communities throughout California. *Id.* A local nonprofit religious group, the Stevinson Pentecost Association, both built the bullring in Stevinson and sponsors many of its bullfights. *Id.*

50. Tracie Cone, *Melee at Calif. "Bloodless Bullfight" Renews Cruelty Debate*, SEATTLE TIMES, July 27, 2009, available at [http://seattletimes.nwsourc.com/html/nationworld/2009546373\\_apusbloodlessbullfights.html](http://seattletimes.nwsourc.com/html/nationworld/2009546373_apusbloodlessbullfights.html); see Brown, *supra* note 43.

51. See Cone, *supra* note 50.

52. Andy Isaacson, *Bloodless Bullfights Animate California's San Joaquin Valley*, L.A. TIMES, July 29, 2007, available at 2007 WLNR 14567888; see Brown, *supra* note 43.

53. See Isaacson, *supra* note 52.

54. See *id.*

55. See Kelli Anderson, *A Sport That a Bull Could Get Stuck On: At Fights in California, Velcro Pads and Velcro-Tipped Banderillas Ensure That No Bull's Blood is Spilled*, SPORTS ILLUSTRATED, Dec. 14, 1992, available at <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1004640/index.htm>.

Nonetheless, some people argue that the requirement of bloodlessness is not always respected and the bull is still teased and taunted into exhaustion.<sup>56</sup> In May of 2009, Andrew Stewart, an animal welfare investigator, suspected that the *banderillas* being used at a bloodless bullfight in Thornton, California, were barbed and not Velcro.<sup>57</sup> Stewart had discovered 30 barbed *banderillas* at a fight in Los Angeles County one week before.<sup>58</sup>

The bull may still be poked and prodded to some extent throughout the bloodless bullfight because, as supporters of the bullfights argue, the bloodlessness requirement results in an increased risk of harm to the bullfighter.<sup>59</sup> Without the use of the pic or the barbed *banderilla*, the bull is not tired or weakened and, therefore, is able to more powerfully attack the matador.<sup>60</sup>

### 3. The Travesties of Bullfights

Some may categorize bullfighting as a sport, while others would call it a slaughter. People for the Ethical Treatment of Animals (PETA) describes the bullfight as “an inaccurate term for events in which there is very little competition between a nimble, sword-wielding matador . . . and a confused, maimed, psychologically tormented, and physically debilitated animal.”<sup>61</sup> Supporters of bullfights argue that the matador, too, faces the danger of death, and removing the *banderilla* from the sport increases the potential for harm to the matador<sup>62</sup> and decreases the drama commonly associated with the sport.<sup>63</sup>

However, the resulting number of deaths of matadors is heavily disproportionate to the number of deaths of bulls.<sup>64</sup> One source notes

---

56. See Cone, *supra* note 50.

57. See *id.*

58. See *id.*

59. Marie Barriere, *Bloodless Bullfighting for Boundless Earnings*, ALLVOICES, <http://www.allvoices.com/contributed-news/4365565-bloodless-bullfighting-for-boundless-earnings> (last visited Oct. 18, 2010).

60. See *id.*

61. PETA, <http://www.peta.org> (follow “Media Center” hyperlink; then follow “Factsheets” hyperlink; then follow “Animals Used for Entertainment” hyperlink; then follow “Bullfighting: A Tradition of Tragedy” hyperlink) (last visited Jan. 31, 2010) (citing Jessica Cliver, *Bullfighters Say Hollywood May Rescue Spain’s Dying Tradition*, Apr. 5, 2006, <http://network.bestfriends.org/676/news.aspx>).

62. See Barriere, *supra* note 59.

63. Posting of Sarah Feldberg to Las Vegas Weekly, *Bloodless Bullfighting: A Tradition Evolved or Just Plain Bull?*, <http://www.lasvegasweekly.com/blogs/debriefing/2009/may/29/bloodless-bullfighting-tradition-evolved-or-just-p/> (May 29, 2009, 17:13 EST).

64. Top Tour of Spain, *Bullfighters Who Have Died in Bullfights*, <http://www.top-tour-of-spain.com/bullfighters-who-have-died-in-bullfights.html> (noting that the list of

that since 1801 about eight Spanish matadors have died after being gored by a bull,<sup>65</sup> while about 10,000 bulls annually die in bullfights.<sup>66</sup> After the Spanish bullfight, the bull's remains are taken to a local butcher, and the butcher sells the bull meat the following day.<sup>67</sup> Similarly, after the Portuguese bullfights, a professional butcher kills the animal outside of the arena.<sup>68</sup> Although the bull is not supposed to be killed or otherwise harmed in California's bloodless bullfights, the bull, having competed once in the ring, becomes too "ring savvy"<sup>69</sup> and, therefore, too dangerous to fight on a second occasion. For this reason, most bulls are not fought again and are instead sent to the slaughterhouse.<sup>70</sup>

### III. ANALYSIS

#### A. *California Statutes*

##### 1. Cruelty to Animals Statute and Animal Fighting Statute

California's cruelty to animals statute sets forth the punishment for any person who maims, mutilates, tortures, wounds, or kills a living animal.<sup>71</sup> The statute's protection extends to mammals, birds, reptiles, amphibians, and fish.<sup>72</sup> Such harm to these animals, and thus violation of the statute, constitutes an offense that is punishable by imprisonment, a fine of up to 20,000 dollars, or both a fine and imprisonment.<sup>73</sup>

Many states also prohibit the use of animals for purposes of sport fighting and ban the practice through animal cruelty statutes and other animal-specific legislation.<sup>74</sup> California has enacted bull-specific legislation, which provides as follows:

---

bullfighters who have died during bullfights is much shorter than the list of bulls that have been killed in the bullring).

65. *See id.*

66. *See* PETA, *supra* note 61. *Cf.* Interview, *supra* note 43 (commenting that roughly 250,000 bulls die annually in Latin America and Europe combined).

67. *See* Meltzer, *supra* note 38, at 208.

68. *See* Helen Pidd, *Bullfighting Around the World: From Conquistadors to Hindus*, THE GUARDIAN (U.K.), July 28, 2010, available at <http://www.guardian.co.uk/world/2010/jul/28/bullfighting-countries-list>.

69. *See* Cone, *supra* note 50.

70. *See id.*; *see also* Anderson, *supra* note 58 ("If the bull performs well in the ring—if it follows the cape and doesn't wreak too much havoc—it may be used for stud service. If not, it may be on the next truck to the slaughterhouse.").

71. CAL. PENAL CODE § 597(a) (West 1999).

72. CAL. PENAL CODE § 597(d).

73. CAL. PENAL CODE § 597(a).

74. 4 AM. JUR. 2D *Animals* § 27 (2009); *see also* CAL. PENAL CODE § 597b (West 1999) (prohibiting animal fighting generally and cockfighting specifically).

---

It shall be unlawful for any person to promote, advertise, stage, hold, manage, conduct, participate in, engage in, or carry on any bullfight exhibition, *any bloodless bullfight* contest or exhibition, or any similar contest or exhibition, whether for amusement or gain or otherwise; provided, that nothing herein shall be construed to prohibit rodeos or to prohibit measures necessary to the safety of participants at rodeos. *This section shall not, however, be construed as prohibiting bloodless bullfights, contests, or exhibitions held in connection with religious celebrations or religious festivals.*<sup>75</sup>

Any violation of the statute constitutes a misdemeanor.<sup>76</sup>

### B. *Banning the Practice*

Although a total ban on bullfighting, bloodless or not, in the United States may seem uncompromising to some, decreasing support for the spectacle is slowly becoming the trend internationally. According to some polls, approximately 70 percent of Spaniards have no interest in bullfighting spectacles.<sup>77</sup> One journalist reported that “Barcelona declared itself ‘an anti-bullfighting city’” and “another 38 Catalan municipalities have since followed suit.”<sup>78</sup> In 2006, the last bullring in Barcelona ceased its operations and cited “poor attendance” as the reason for the ring’s closure.<sup>79</sup> In 2010, Catalonia became the first major region in Spain to outlaw bullfighting.<sup>80</sup> Additionally, Mexican citizens have expressed a decreased interest in bullfighting.<sup>81</sup> And in China, Beijing officials resolved to forego constructing a bullring in a thriving tourist area because of “fears of the country’s image.”<sup>82</sup> Support for these events is diminishing on other levels as well. For example, many corporate sponsors of matadors and bullfighting events have been forced to withdraw their sponsorships due to increased pressure from animal activist groups.<sup>83</sup>

---

75. CAL. PENAL CODE § 597m (emphasis added).

76. *See id.*

77. Charles Adams, *Bloody Spectacle Now Disappearing*, READING EAGLE (Reading, PA), Dec. 9, 2006, available at <http://www.sharkonline.org/?P=000000605>.

78. Fiona Govan, *Bullfighting’s Future in Doubt*, TELEGRAPH (London), Dec. 20, 2006, <http://www.telegraph.co.uk/news/worldnews/1537459/Bullfightings-future-in-doubt.html>.

79. *See* PETA, *supra* note 61 (citing Govan, *supra* note 78).

80. Raphael Minder, *Looking for Wedge from Spain, Catalonia Bans Bullfighting*, N.Y. TIMES, July 29, 2010, at A4.

81. *See id.* (citing Abigail Wild, *On the Horns of Dilemma: Barcelona Has Given the Thumbs-Down to Bullfighting, But Will the Rest of Spain Follow Suit? Or Will this Controversial “Sport” Divide the Country*, THE HERALD (Glasgow, Scotland), May 25, 2005, at A14).

82. *See id.*

83. *See* Adams, *supra* note 77; Barriere, *supra* note 59.

C. *Flaws in the Laws*

Groups like Animal Cruelty Investigations<sup>84</sup> and the Humane Society of the United States (HSUS)<sup>85</sup> have investigated bloodless bullfights for some time. The HSUS believes that the bullfights have been permitted to continue despite the fights' failure to comply with State law.<sup>86</sup> However, group officials have had difficulty securing an attorney who is willing to prosecute Church officials.<sup>87</sup> Opponents of bullfighting and California's Portuguese communities continue to debate whether bullfighting is truly a religious event that should receive protection as a religious exercise.<sup>88</sup>

1. California's Accommodation of Bloodless Bullfighting: The Religious Exemption

As noted above, California's bullfighting statute currently contains a religious exemption for the California bullfights: "This [statute] shall not, however, be construed as prohibiting bloodless bullfights, contests, or exhibitions *held in connection with religious celebrations or religious festivals.*"<sup>89</sup> Bloodless bullfights, however, are not a *religious* custom. California's statutory authorization of bullfights performed as part of religious celebrations appears to be somewhat defiant in light of the longstanding conflict between bullfighting and religion. Author Adrian Shubert explained, "The history of the opposition to the *corrida* is almost as long as that of the bullfight itself. The arguments against it have been primarily religious, economic, and moral. Until the eighteenth century[,] the religious argument, that bullfighting was un-Christian, was the most prominent."<sup>90</sup>

Catholicism and bullfighting have no weighty connection aside from the fact that a majority, if not all, of the countries that continue to allow bullfights are predominantly Roman Catholic. These countries include Spain,<sup>91</sup> France,<sup>92</sup> Venezuela,<sup>93</sup> and Mexico.<sup>94</sup> Roughly 85 percent of the Portuguese population is also Roman Catholic.<sup>95</sup>

---

84. ROSS FARROW, *Animal Rights Group Continues Investigation of Thornton Bullfight*, LODI NEWS-SENTINEL, June 5, 2009, available at [http://lodinews.com/articles/2009/06/05/news/3\\_bullfight\\_090605.txt](http://lodinews.com/articles/2009/06/05/news/3_bullfight_090605.txt).

85. See Cone, *supra* note 50.

86. See *id.* (discussing the alleged use of barbed *banderillas* at the bullfights).

87. See *id.*

88. See *id.*

89. CAL. PENAL CODE § 597m (emphasis added).

90. See SHUBERT, *supra* note 23, at 147.

91. Central Intelligence Agency, <http://www.cia.gov> (follow "World Factbook" hyperlink; then select "Spain" from drop-down menu; then follow "People" hyperlink)

Nothing associated with the practice of Catholicism seems to support a religious backing for the practice of bullfighting. Conversely, the Bible appears to condemn needless cruelty to animals: “A righteous man regardeth the life of his beast: but the tender mercies of the wicked are cruel.”<sup>96</sup> Additionally, Pope Pius V issued a papal bull—a formal proclamation delivered by the pope—in 1567 expressly prohibiting bullfights and other similar events in which animals are fought and killed for public entertainment.<sup>97</sup> Since that time, several other popes and clergymen have confirmed the prohibition on bullfighting,<sup>98</sup> and in the year 2000, the papal bull was affirmed again by Marie Hendrickx, a Vatican theologian.<sup>99</sup> Furthermore, because of the damaging effects animal cruelty has had on the character of the perpetrator, scholastic theologians have denounced cruelty to animals.<sup>100</sup>

## 2. Constitutional Rights of the Portuguese Population Versus Animal Rights of the Bull

The Portuguese population opposes animal rights groups and declares that the bullfights are a tradition that should be respected and preserved. José Avila, publisher of the *Portuguese Tribune*, argues, “We

---

(last visited Jan. 24, 2010) (noting that 94 percent of Spain’s population is Roman Catholic).

92. *See id.* (follow “World Factbook” hyperlink; then select “France” from drop-down menu; then follow “People” hyperlink) (noting that roughly 83 to 88 percent of France’s population is Roman Catholic).

93. *See id.* (follow “World Factbook” hyperlink; then select “Venezuela” from drop-down menu; then follow “People” hyperlink) (noting that about 96 percent of Venezuela’s population is Roman Catholic).

94. *See id.* (follow “World Factbook” hyperlink; then select “Mexico” from drop-down menu; then follow “People” hyperlink) (noting that about 77 percent of Mexico’s population is Roman Catholic).

95. *See id.* (follow “World Factbook” hyperlink; then select “Portugal” from drop-down menu; then follow “People” hyperlink) (noting religious populations by percentage as of Portugal’s 2001 census).

96. *Proverbs* 12:10 (King James).

97. *See* Environmental History Timeline, <http://www.radford.edu/wkovarik/envhist/2middle.html> (last visited Jan. 5, 2009); *see also* Jean Thaler, *No Bull: Pius V and Bullfighting*, SATYA, Nov. 1997 (noting that Pope Pius V, who was the most animal-friendly clergyman since St. Francis, foreclosed the option of Church burial from those bullfighters who died in the bullring).

98. *See* Thaler, *supra* note 97; *see also* Chris Mercer, *The Case Against Bullfighting* (2007) (reviewing MICHAEL A. OGORZALY, *THE CASE AGAINST BULLFIGHTING* (AuthorHouse 2006)); Environmental History Timeline, *supra* note 97 (“Pope Pius IX reiterated the 1567 bull in 1846, and Pope Pius XII cited it in 1940 in refusing to meet with a delegation of bullfighters.”).

99. *See* Thaler, *supra* note 97; *see also* Mercer, *supra* note 98.

100. Catholic Online, <http://www.catholic.org> (follow “Encyclopedia” hyperlink; then follow “A” hyperlink; then follow “Animals, Cruelty to” hyperlink) (last visited Jan. 24, 2010).

need to defend our traditions. I understand that some people do not like bullfighting, the way I do not like boxing, but we accept the difference, right?”<sup>101</sup> Avila’s statement gives no consideration to the fact that boxing is a contest between willing human participants, whereas bullfighting is a battle between a man and an unwilling animal participant that is forced to fight.

In addition to decreased support of bullfighting in the countries noted above,<sup>102</sup> in Portugal, the “bullfighting circuit is quickly losing social, cultural, and political weight.”<sup>103</sup> In fact, much of the monetary inflow for bullfighting events in the country is the product of tourist interest and attendance at bullfights.<sup>104</sup>

In light of the religious arguments *against* bullfighting,<sup>105</sup> the practice more accurately finds its support in cultural, rather than religious, custom. Thus, bullfighting is not a religious activity, and, accordingly, bloodless bullfighting should be removed from the protection of the statute’s religious exemption and should not find support in the First Amendment.

The First Amendment to the United States Constitution reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”<sup>106</sup> California’s current exemption for bloodless bullfights is an impermissible accommodation. The religious exemption violates the Establishment Clause of the First Amendment<sup>107</sup> by permitting bloodless bullfights in connection with a religious celebration but prohibiting the same acts if otherwise performed.<sup>108</sup> Moreover, the Portuguese practice of bloodless

---

101. See Cone, *supra* note 50. Cone notes that Frank Sousa, director of the Center for Portuguese Studies at the University of Massachusetts at Dartmouth, said, “The Portuguese people wonder why these animal-rights activists can come in and disrupt a legal event without any consequences whatsoever. They feel their culture is disrespected. How is it any different from a rodeo?” *Id.* The rodeo, too, is a contest between a human and an unwilling animal participant, but after the rodeo, the animal ordinarily is not killed. See Professional Bull Riders, <http://www.pbrnow.com> (follow “Bulls” hyperlink; then follow “Animal Welfare” hyperlink) (last visited Oct. 18, 2010).

102. See *supra* Part III.B.

103. Fernando Araújo, *The Recent Development of Portuguese Law in the Field of Animal Rights*, 1 ANIMAL L. 61, 67 (2005).

104. See *id.*

105. See *supra* Part III.C.

106. U.S. CONST. amend. I (emphasis added).

107. *Id.*

108. Critics of this view may argue that bullfighting *is* a religious activity, and therefore, the State’s revocation of the current statutory accommodation would violate the Free Exercise Clause of the First Amendment and prevent the Portuguese communities’ practice of bloodless bullfighting. *Id.* This argument is invalid for two primary reasons.

bullfighting should not receive First Amendment protection principally because the State does not provide a heightened level of protection to various cultural expressions. For these reasons, the State of California should side with animal activists and ban the activity, thereby depriving the Portuguese population of the ability to continue to host bloodless bullfights within the State.

Maintaining cultural customs and preserving cultural expression are not fundamental rights, and therefore, on the basis of the Fourteenth Amendment,<sup>109</sup> the State would need a rational basis to prohibit bloodless bullfights. That is, California must be pursuing a legitimate governmental objective by means that are rationally related to that objective.<sup>110</sup> Otherwise, a ban of bullfighting would amount to a violation of the Portuguese population's substantive due process rights. The relevant portion of the Fourteenth Amendment of the United States Constitution reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law*; nor deny to any person within its jurisdiction the equal protection of the laws.<sup>111</sup>

California's rational basis to restrict bullfighting, and to protect animals generally, is linked to the State's police power to protect the health, welfare, and safety of its citizens.<sup>112</sup> At present, animals are not afforded

---

First, as discussed above, Catholicism does not require nor does the Church condone bullfighting as part of one's religious exercise. *See supra* Part III.C.1. Even so, the critics' argument does not foreclose the State's ability to regulate religious activities. *See Employment Div., Dep't of Human Res. of Or. v. Smith*, 494 U.S. 872 (1990) ("[The Court's] decisions have consistently held that the right of free exercise does not relieve an individual of the obligation to comply with a 'valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).'" ). Second, a restriction on bullfighting is not tailored to restrict one's practice of his or her religion but instead to protect animals from needless acts of cruelty generally. *See Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993) (holding a law that restricts an individual's religious practices must be neutral and generally applicable, narrowly-tailored, and passed to advance a compelling government interest).

109. U.S. CONST. amend. XIV.

110. *U.S. v. Carolene Prods. Co.*, 304 U.S. 144 (1938).

111. U.S. CONST. amend. XIV, § 1 (emphasis added).

112. *See Lochner v. New York*, 198 U.S. 45, 53 (1905) ("There are . . . certain powers, existing in the sovereignty of each state in the Union, somewhat vaguely termed police powers. . . . Those powers, broadly stated . . . relate to the safety, health, morals, and general welfare of the public."); M. Varn Chandola, *Dissecting American Animal*

the constitutional protections given to humans. However, because of the body of research showing a correlation between abuse of animals and violence against humans,<sup>113</sup> the State arguably has an interest in safeguarding public morality by preventing cruelty to animals.<sup>114</sup> This assertion parallels the Church's argument that cruel acts to animals should be prohibited because of the affects such acts have on the perpetrator.<sup>115</sup> Moreover, like other states,<sup>116</sup> California has shown an express interest in the protection of animals, as evidenced by its enactment of animal cruelty legislation. Bullfighting is cultural, not religious, and the practice is cruel. Therefore, bullfighting is governed by existing laws against animal cruelty. Accordingly, should California elect to ban bullfighting altogether, the restriction would be in line with the State's objective to prevent acts of animal cruelty.<sup>117</sup>

#### IV. ADOPT A BULL?: PROPOSED SOLUTIONS

For reasons addressed below,<sup>118</sup> a total ban on bullfighting appears to be the most practical method of advancing the State's interest in preventing animal cruelty. However, the following sections of this Comment<sup>119</sup> also present some compromises that may be achieved between animal activists and the Portuguese communities of California. Although these compromises are practicable, they are unlikely to occur.

##### A. *Charitable Donation*

Conceivably, mandating that a portion of the proceeds from each bloodless bullfight be donated to a charitable organization such as the

---

*Protection Law: Healing the Wounds with Animal Rights and Eastern Enlightenment*, 8 WIS. ENVTL. L.J. 3, 3 (2002).

113. In addition to research connecting acts of animal cruelty with violence against other people, some court cases have acknowledged this connection as well. See *Stephens v. State*, 3 So. 458 (1888) ("Human beings have at least some means of protecting themselves against the inhumanity of man, that inhumanity which 'makes countless thousands mourn,' but dumb brutes have none. Cruelty to them manifests a vicious and degraded nature, and it tends inevitably to cruelty to men."); accord Cheryl Hanna & Pamela Vesilind, *Preview of United States v. Stevens: Animal Law, Obscenity, and the Limits of Government Censorship*, 4 CHARLESTON L. REV. 59, 68-74 (2009).

114. See *Commonwealth v. Higgins*, 178 N.E. 536 (1931) (holding that a statute regulating animal traps that resulted in the prolonged suffering of animals was a valid exercise of state police powers and was in the interest of public morals).

115. See *supra* Part III.C.1.

116. See Chandola, *supra* note 112, at 4 (noting that animal cruelty is a criminal offense in all of the fifty states and may be classified as either a misdemeanor or a felony).

117. See CAL. PENAL CODE § 597; CAL. PENAL CODE § 597m.

118. See *infra* Part IV.C.

119. See *infra* Part IV.A-B.

HSUS would provide a workable compromise between animal activists and participant-supporters of the bullfights. Because the bullfights are contrary to the message delivered by various animal groups, however, such groups may be unwilling to accept this “blood money.” The HSUS’s mission statement declares that the group “work[s] to *reduce suffering* and to create meaningful social change for animals by advocating for sensible public policies [and] *investigating cruelty*. . . . [The group] confront[s] national and global cruelties through major campaigns *targeting the barbaric practices of dogfighting and cockfighting*. . . .”<sup>120</sup> PETA’s mission statement reads, in part, that “PETA focuses its attention on the four areas in which the largest numbers of animals suffer the most intensely for the longest periods of time: on factory farms, in laboratories, in the clothing trade, and *in the entertainment industry*.”<sup>121</sup> Given the content of the mission statements of these groups, it seems very unlikely that these groups and other similar animal activist groups would consider accepting a donation from California’s bullrings.

*B. Middle Ground: Veterinarians On-site*

In the traditional bullfight, like those held in Europe, veterinarians are present; however, the veterinarian is called to inspect the bull *after its death* to assure that the bull met all of the requirements of fighting bulls, including age and weight requirements.<sup>122</sup> Additionally, the veterinarian performs a health examination of the bull before granting the certification necessary for its public consumption.<sup>123</sup>

In an effort to follow in the footsteps of Europeans, animal activists in the United States support a policy that would require veterinarians to remain on-site at the bloodless bullfights.<sup>124</sup> The veterinarians’ attendance, however, would be to ensure that there has been no initial harm to the animal<sup>125</sup> and to quickly treat the animal should it suffer any injury.<sup>126</sup> If bullfight organizers were to mandate veterinarians’ presence at the bloodless bullfights, the issue then becomes whether animal activists are willing to proceed with the bullfights even though the bulls still face potential harm during the fight and death following the fight.

---

120. HSUS, <http://www.humanesociety.org/> (follow “About Us” hyperlink; then follow “Overview” hyperlink) (last visited Jan. 31, 2010) (emphasis added).

121. See PETA, *supra* note 61 (follow “About PETA” hyperlink) (emphasis added).

122. See LEIBOLD, *supra* note 12, at 338-40.

123. See *id.* at 341.

124. See Cone, *supra* note 50.

125. See LEIBOLD, *supra* note 12, at 341 (noting that after the bullfight, veterinarians check for manipulation of the bull’s horns).

126. See Cone, *supra* note 50.

C. *Last Resort: A Total Ban*

Although supporters of bullfighting and animal activists may be capable of achieving compromises like those suggested above, such compromises would more or less mean reluctant sacrifice on the part of both parties. When concessions are made by both parties, it is inevitable that someone will attempt to go beyond the accepted boundaries.

Supporters of bullfighting argue that the spectacle “allegorizes the struggle between life and death” and loses its artistic appeal and drama when the kill is eliminated.<sup>127</sup> Arguably, it would only be a matter of time before the harm to the bull during the fight exceeds the tolerance threshold of animal activists; the clash of ideals would again ensue.

Even if matadors truly perform in accordance with the bloodlessness requirement, the act of requiring the bull to perform in such a spectacle and the bull’s looming death are motivating factors sufficient to ban the practice. Alyx Dow, Anti-Bullfighting Programs Officer for the World Society for the Protection of Animals, asserts that there is no way bullfighting can be transformed into a humane practice and comments that, “the practice would still involve placing an animal into an unnatural situation that causes the animal stress and anxiety, for the sake of entertainment.”<sup>128</sup> Critics of this view and supporters of the bullfights may argue that bloodless bullfighting and its forced exertion on the bull is no different than the strain that running or herding places on the dog that is forced to run with its owner or used to herd cattle. Ultimately, however, the difference between the bull and the “working dog” is that the dog is not slaughtered or otherwise harmed following the performance of its duties.

V. CONCLUSION

Animals have been used for entertainment purposes for many centuries,<sup>129</sup> and therefore, to argue that the Portuguese-style bloodless bullfights are unique in that regard is inane. What *is* unique is that, presently, California’s exemption for the Portuguese-style fights is the *only* bullfighting exemption in the United States.<sup>130</sup> Despite current trends in animal cruelty legislation, California’s bullfights are still statutorily protected. Although unjustified based on the Church’s prohibiting bullfights, the asserted religious significance of the

---

127. See Barriere, *supra* note 59.

128. See Interview, *supra* note 40.

129. See *supra* Part II.A.

130. See Cone, *supra* note 50.

---

---

bullfight—hence its statutory protection—does not make the practice any less cruel.

Lawmakers have successfully banned both cockfighting and dog fighting throughout the United States despite the cultural significance and general popularity of these activities. Cockfighting is prohibited in every state and is a felony in 39 states;<sup>131</sup> dog fighting is a felony in all 50 states.<sup>132</sup>

One *should* be able to say that these same restrictions have been placed on bullfighting, but no such prohibitions have been implemented. Unlike cockfights and dog fights, bullfights are not events that can be held on a street corner or in the privacy of one's home. Additionally, people cannot easily house bulls in the confines of their backyards, as Michael Vick did with his fighting dogs.<sup>133</sup> A bull is a *large* animal and a bullfight attracts a *large* number of spectators in a designated arena. Thus, if bloodless bullfights are banned, it is difficult to imagine that such a restriction would be as difficult to enforce as policing cockfights and dog fights has proven to be.

The fact that each state has enacted animal cruelty legislation demonstrates the nation's overall commitment to the protection of animals. Clearly, California's statutory exemption for bloodless bullfighting does not follow the national trend. In 1957, when California legislators created the religious exemption for bullfighting, conceivably, they did not consider how views on the law may change, especially with respect to the growing number of animal activist groups throughout the country.

A function of the political process is to effect legislative changes that correspond with popular changes in the people's will. In the face of California's sizable Portuguese population, opponents of bloodless bullfighting must collectively take measures to show their opposition to the religious exemption. That is, the political process requires opponents of bullfighting to appeal to State lawmakers and vote for changes in the laws. State legislators must then respond accordingly and draft statutes that adequately address the common concerns of the people, conform to animal cruelty regulations throughout the country, and rescind the religious exemption.

---

131. See HSUS, *supra* note 120 (follow "Issues" hyperlink; then follow "Animal Cruelty and Fighting" hyperlink; then follow "Cockfighting" hyperlink; then see "felony in 39").

132. See *id.* (follow "Issues" hyperlink; then follow "Animal Cruelty and Fighting" hyperlink; then follow "Dogfighting" hyperlink; then follow "Dogfighting Fact Sheet" hyperlink; then see "State Dogfighting Laws").

133. See *supra* Part I.

If the people of California as a whole support bloodless bullfights, or alternatively, if they remain silent, Californians and State lawmakers alike should consider the message they are delivering: bulls do not have a *fighting* chance if a cultural activity is given a religious accommodation.