

Testimony of [First Name] [Last Name]

Before the House Committee on [Insert Committee Name]

Date: [Insert Date]

Opposition Testimony on the FIGHT Act

Submitted by: [First Name] [Last Name]

[Organization or Affiliation, if any]

[City, State]

Purpose of Testimony

This testimony is submitted to provide a detailed constitutional, structural, and evidentiary analysis demonstrating that the proposed FIGHT Act is facially unconstitutional under the Due Process Clause, Equal Protection Clause, Takings Clause, and foundational principles of federal criminal law.

Contact Information

Email: [Insert Email]

Phone: [Insert Phone Number]

Address: [Insert Address]

Table of Contents

Front Matter

Cover Page	p. i
Table of Contents	p. ii–vi
Key Findings One-Pager	p. vii
Requested Action One-Pager	p. viii
Enforcement Liability Matrix One-Pager.....	p. ix
Section-by-Section Defect Summary One-Pager	p. x

Executive Summary	p. 1-2
-------------------------	--------

I. The FIGHT Act Is Unconstitutional Under the Due Process Clause

1. Procedural Due Process Violations	p. 3
2. Substantive Due Process Violations	p. 4
3. Vagueness After <i>Loper Bright</i>	p. 4
4. Arbitrary & Discriminatory Enforcement	p. 5
5. Criminalizing Status & Biological Traits	p. 5
6. Lack of Mens Rea	p. 5
7. Lack of Fair Notice	p. 6
8. Delegation Without Guardrails	p. 6
9. Combined Effect: Void on Its Face	p. 6

II. Equal Protection Clause Violations

1. <i>Arlington Heights</i> Discriminatory Intent	p. 6
2. Disparate Impact on Rural & Minority Communities	p. 7
3. Arbitrary Enforcement (<i>Kolender, Papachristou</i>)	p. 7
4. Criminalizing Biological & Cultural Identity	p. 8
5. Private-Actor Amplification of Bias	p. 9
6. Heightened Scrutiny for Cultural Practices	p. 9

III. The FIGHT Act Lacks Constitutionally Required Mens Rea

1. Strict-Liability Criminalization p. 10
2. Genomic Determinism (ISPD & SORCS2) p. 11
3. Genetic Traits as Status-Based Criminalization p. 11
4. Guilt-by-Association Structures p. 12
5. Mens Rea Defects + Vagueness p. 12

IV. Property Rights & Constitutional Status of Animals as Chattel

1. Animals as Protected Property p. 13
2. Seizure & Destruction Without Due Process p. 13-14
3. Criminalizing Ownership of Lawful Property p. 14
4. Eliminating Economically Viable Uses p. 14
5. Phenotype / Lineage as Criminal Triggers p. 15
6. Compounded Property-Rights Violations p. 15

V. Regulatory Takings Under the Fifth Amendment

1. *Lucas* Per Se Takings p. 16
2. *Horne*: Personal Property Protection p. 16
3. *Cedar Point*: Physical Invasions p. 17
4. *Loretto* & Private-Actor Delegation p. 17
5. Temporary Takings (*Arkansas Game & Fish*) p. 17
6. *Penn Central*: Investment-Backed Expectations p. 18
7. Functional Takings p. 18
8. Takings + Due Process Compounded p. 18

VI. Enforcement Feasibility & Unintended Consequences

1. Unconstitutional Inferences from Biology/Culture p. 19
2. Diversion of Law-Enforcement Resources p. 19
3. Civil Liability Exposure p. 20
4. Economic & Cultural Harm p. 20
5. Pretextual Enforcement Risks p. 20

VII. Due Process Clause Violations (Procedural, Substantive, Vagueness)

1. Procedural Due Process p. 21
2. Substantive Due Process p. 22
3. Vagueness & Arbitrary Enforcement p. 22-23
4. Compounded Due Process Violations p. 23
5. Opinion Testimony Inadmissible..... p. 23-24

VIII. Treaty-Based & Historical Protections

1. Treaty Rights & Clear-Statement Rule p. 24
2. Treaty of Guadalupe Hidalgo p. 24
3. Historical Cultural & Property Rights p. 25
4. Destruction of Historically Protected Uses p. 25-26
5. Treaty-Protected Practices p. 26

IX. Administrative Overreach After *Loper Bright*

1. End of Chevron Deference p. 26-27
2. Non-delegation Doctrine Violations p. 27
3. Major Questions Doctrine p. 27-28
4. Private-Actor Influence p. 28
5. Rule of Lenity in Criminal Ambiguity p. 28
6. Collapse of Administrative Framework p. 29

X. Limits on Government Control Over Natural Biological Material

1. *Myriad & Chakrabarty* p. 29-30
2. Genomic Determinism & Constitutional Limits p. 30
3. Criminalizing Genetic Traits p. 30-31
4. Vagueness & Overbreadth in Biological Prohibitions p. 31
5. Lack of Legitimate Governmental Interest p. 31-32

XI. Improper Legislative Purpose & Advocacy-Network Influence

1. Animus-Driven Legislation p. 32-33
2. History of Extremist Activism p. 33
3. Delegation to Private Actors p. 33
4. Cultural Hostility in Legislative History p. 34
5. Legislative Purpose as Constitutional Requirement p. 34

XII. Ethical Governance, Conflicts of Interest, and Mandatory Abstention

1. Decision-Making Tainted by Interest p. 35
2. Improper Advocacy-Group Influence p. 35-36
3. Mandatory Abstention p. 36
4. Quid-Pro-Quo & Undue Influence p. 36
5. Heightened Ethical Concerns p. 37

XIII. Civil Liability Exposure

1. Liability for Enforcing Facial Unconstitutionality p. 37-38
2. Due-Process Violations in Seizure & Forfeiture p. 38
3. Private-Actor Influence Liability p. 38-39
4. Vagueness-Based Liability p. 39
5. Prosecutorial Investigative Liability p. 39
6. *Monell* Liability for Municipalities p. 40

XIV. Civil Remedies & Damages

1. §1983 Liability p. 40
2. *Bivens* Liability p. 40-41
3. *Monell* Liability p. 41
4. State-Law Tort Liability p. 42
5. Prosecutorial Liability p. 42
6. Private-Actor Liability p. 42-43
7. Punitive Damages Exposure p. 43

XV. Federal Law Prohibitions

1. Chickens Agricultural Commodities,..... p. 43
2. Restraint of Trade..... p. 43-44
3. Sabotage.....p. 44

Closing Statementp. 44-45

Appendix of Authorities

- Supreme Court Cases** p. 45-47
- Federal Statutes & Codes** p. 47
- Scientific Studies & Research** p. 48
- Additional Doctrines & Authorities** p. 48

Key Findings on the Unconstitutionality of the FIGHT Act

1. The FIGHT Act violates the Due Process Clause.

It authorizes immediate seizure, forfeiture, and destruction of lawful property without notice, hearing, or neutral adjudication. As your testimony states:

“These procedures violate every procedural safeguard the Court has required for more than fifty years.”

The Act also criminalizes innocent conduct, innocent property, cultural practices, and biologically determined, natural animal behavior.

The Act permits the prohibited use of opinion testimony.

2. The Act violates the Equal Protection Clause.

Its enforcement structure predictably targets rural, minority, and culturally distinct communities. Under *Arlington Heights*, *Yick Wo*, and *Kolender*, the Act’s discriminatory purpose and effect render it unconstitutional.

3. The Act eliminates constitutionally required mens rea.

It imposes strict liability for ownership of lawful animals and treats genetic traits as evidence of criminal purpose, contradicting *Morissette*, *Staples*, *Elonis*, and *Robinson*.

4. The Act violates the Takings Clause.

It destroys all economically viable uses of lawful property, authorizes uncompensated seizure and destruction, and delegates control to private actors. This triggers *Lucas*, *Horne*, *Cedar Point*, *Loretto*, and *Arkansas Game & Fish*.

5. The Act unconstitutionally delegates federal power to private actors.

Private ideological groups influence enforcement, seizure decisions, and custody of property, violating *Carter Coal*, post-*Loper Bright* nondelegation principles, and the Johnson Amendment prohibiting non-profits from engaging in legislation.

6. The Act is structurally unsalvageable.

After *Loper Bright*, agencies cannot cure vagueness or rewrite statutory defects. The Act is facially unconstitutional and guaranteed to be enjoined.

Requested Action: Oppose and Reject the FIGHT Act

Congress should not advance the FIGHT Act for the following reasons:

1. The Act is facially unconstitutional.

It violates Due Process, Equal Protection, the Takings Clause, and the nondelegation doctrine. It criminalizes biology, culture, natural law, Constitutionally-secured rights, and lawful property.

2. The Act exposes federal, state, and local agencies to massive civil liability.

Enforcement will trigger § 1983, *Bivens*, *Monell*, and state-law tort liability. Officers and agencies cannot rely on qualified immunity when enforcing a statute that is unconstitutional on its face.

3. The Act invites discriminatory enforcement.

Its vague terms allow officers to infer criminality from phenotype, lineage, cultural practices, or the identity of the owner.

4. The Act cannot be fixed through amendment or rulemaking.

Post-*Loper Bright*, agencies cannot cure vagueness, rewrite statutory elements, or impose missing mens rea requirements.

5. The Act will be immediately enjoined.

Its constitutional defects are structural, not incidental. Advancing the bill would waste committee time and expose Congress to foreseeable litigation.

6. *Salinas* (1997) decided that statutes should be construed to avoid constitutional questions, but this interpretative canon is not license for judiciary to rewrite language enacted by legislature, or re-write the Constitution, the Bill of Rights or the Declaration of Independence.

Requested Action:

- **Do not advance the FIGHT Act out of committee.**
- **Do not include it in markup.**
- **Do not incorporate it into omnibus or appropriations packages (no “pork”).**

Enforcement Liability Matrix for the FIGHT Act

Why Liability Attaches	Legal Basis	Liability Triggered	Actor
Seizure/destruction without due process; enforcing a facially unconstitutional statute	<i>Bivens, James Daniel Good, Fuentes</i>	<i>Bivens</i> liability; constitutional torts	Federal Agents
Acting under color of law to seize/destroy lawful property	§1983; <i>Monell</i> ; state tort law	§1983 liability; state tort liability	State & Local Officers
Enforcement policies based on unconstitutional statute	<i>Monell v. Dept. of Social Services</i>	<i>Monell</i> liability	Municipalities
No absolute immunity for investigative actions	<i>Buckley v. Fitzsimmons</i>	Personal liability	Prosecutors (when acting investigatively)
Delegated enforcement authority; joint action with state	<i>Lugar v. Edmondson Oil</i>	State- actor liability; civil conspiracy	Private Actors (advocacy groups)
No Chevron deference after <i>Loper Bright</i> ; cannot cure statutory defects	APA; Due Process; Equal Protection	APA challenges; constitutional claims	Federal Agencies

Bottom Line:

Every enforcement pathway creates **direct, personal, and unavoidable liability** for officers, agencies, and private actors. Clearly established law makes it illegal for government agents to breach their Oaths of Office, violate the U.S. Constitution, violate the Declaration of Independence, and violate state and federal laws prohibiting deprivation of rights under color, illegal restraint of trade, interference with commerce, sabotage, fraud and swindle, racketeering, domestic terrorism, conspiracy, and denial of intangible right to honest services to name a few. Any government employee acting outside of his or her duties as prescribed by law has no immunity. *Anderson* (1987) decided that there is no immunity for the plainly incompetent or those who knowingly violate the law.

Enforcement of the FIGHT Act is void for triggering personal and official liability and a cause of action against government employees and agents' denial of intangible right to honest services articulated in Title 18 U.S.C. §§ 1341, 1343, 1346 Fraud and Swindle. *Inzunza* decided against public employees failing to perform their duties as prescribed by law, and *Lamagno* (1995) decided against a federal employee (Lamagno), who caused an accident in which 4 men were injured. When the men sued for damages, Lamagno's lawyer tried to claim "immunity." Lamagno lost when it was discovered that he was NOT doing his duties as prescribed by law.

Section-by-Section Defect Summary

Section 1 — Definitions

Uses vague, undefined terms that allow officers to infer criminality from appearance, culture, or genetic traits, making the section void for vagueness.

Section 2 — Prohibited Conduct

Criminalizes innocent conduct, cultural practices, and biologically determined traits while eliminating mens rea, violating substantive due process.

Section 3 — Seizure and Forfeiture

Authorizes immediate seizure, forfeiture, and destruction of lawful property without notice or hearing, violating procedural due process.

“These procedures violate every procedural safeguard the Court has required.”

Section 4 — Custody and Disposition

Transfers property to private organizations and authorizes uncompensated destruction, creating unconstitutional delegation and takings.

Section 5 — Enforcement and Penalties

Imposes strict liability, relies on guilt-by-association, and enables discriminatory enforcement based on phenotype, lineage, or culture.

Section 6 — Rulemaking Authority

Attempts to delegate core criminal elements to agencies, which is unconstitutional after *Loper Bright* and cannot cure vagueness or missing mens rea.

Section 7 — Miscellaneous Provisions

Conflicts with treaty-protected cultural practices and fails the clear-statement rule, violating constitutional protections for historical and cultural rights.

Conflicts with protections of the 4th Amendment. *Steagald* articulates that the “Fourth Amendment is designed to prevent, not simply to redress, unlawful police action. ... Fourth Amendment was intended partly to protect against abuses of general warrants that had occurred in England and of writs of assistance used in the colonies. ... The search in question violated the Fourth Amendment, where it took place in absence of consent or exigent circumstances.” *Florida* (2000), decided that there are no anonymous complaints or “tips” in a free country, and no domestic surveillance. The U.S. Supreme Court decided many more cases that domestic surveillance in a free country is forbidden: *U.S. v. U.S. District Court* (1980), *See v. City of Seattle* (1967), *Camara v. Municipal Court*, (1967), and many others.

Opposition Testimony on the FIGHT Act

Chairman, Members of the Committee:

Thank you for the opportunity to testify. I appear today to address the constitutional, structural, and ethical defects of the proposed FIGHT Act—legislation that exceeds constitutional limits, threatens property rights, burdens cultural and religious practices, and invites discriminatory enforcement against rural and minority communities. These concerns are grounded in binding Supreme Court precedent and in the documented history of the advocacy network promoting this bill.

Executive Summary

The FIGHT Act is unconstitutional on its face. It violates the Due Process Clause, Equal Protection Clause, the Takings Clause, and foundational principles of federal criminal law. It criminalizes innocent conduct, cultural practices, and biologically determined animal behavior; authorizes seizure and destruction of lawful property without hearings; and delegates federal police power to private ideological actors. Under binding Supreme Court precedent, the Act cannot withstand judicial review.

1. The Act Violates Procedural and Substantive Due Process

The Act authorizes immediate seizure, forfeiture, and destruction of animals **without notice, hearing, or neutral adjudication** in direct conflict with *Fuentes v. Shevin* and *United States v. James Daniel Good*. It criminalizes innocent conduct, cultural practices, and the natural expression of genetic traits, violating *Glucksberg*, *Lewis*, and *Morissette*. Its vague terms—“intent to engage,” “training paraphernalia,” “possession for prohibited purposes”—invite arbitrary enforcement under *Kolender* and *Papachristou*. After *Loper Bright*, these defects cannot be cured through agency interpretation.

2. The Act Violates the Equal Protection Clause

The Act disproportionately targets rural, minority, and culturally distinct communities. Under *Arlington Heights*, its legislative history, private-actor involvement, and predictable disparate impact demonstrate discriminatory purpose. Its vague terms allow officers to infer criminality from phenotype, lineage, cultural practices, or the identity of the owner—precisely the selective enforcement condemned in *Yick Wo*, *Kolender*, and *Papachristou*.

3. The Act Eliminates Constitutionally Required Mens Rea

The Act imposes strict liability for ownership of lawful animals and treats genetic traits as evidence of criminal purpose. This violates the rule of *Morissette*, *Staples*, and *Elonis*, which require Congress to include a culpable mental state when criminalizing conduct that is otherwise innocent. Modern genomic research (*Bendesky* 2024) confirms that key animal behaviors are biologically determined, not the product of human intent. Criminalizing biology is unconstitutional under *Robinson v. California*.

4. The Act Violates Property Rights and the Takings Clause

Animals are constitutionally protected chattel under *Sentell* and *Nicchia*. The Act converts lawful property into de facto contraband, eliminates all economically viable uses, and authorizes uncompensated seizure and destruction. Under *Lucas*, *Horne*, *Cedar Point*, *Loretto*, and *Arkansas Game & Fish*, the Act triggers every category of taking recognized by the Supreme Court—regulatory, physical, temporary, and functional. Federal law defines chickens as *legal security* and *property*, see Title 18 U.S.C. § 2311 Stolen Property – *fowl* are third in importance on the list, and chickens.

Miller (1956) decided that the claim and exercise of a constitutional right (raising chickens for pleasure, food and/or profit) cannot be converted into a crime. See Black's Law Dictionary 4th Edition *PROPERTY*: "That which is peculiar or proper to any person; that which belongs exclusively to one; in the strict legal sense, an aggregate of rights which are guaranteed and protected by government...The term is said to extend to every species of valuable right and interest....More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it."

Miranda (1966) decided that where rights secured by the Constitution are involved, there can be no making or legislation which would abrogate them.

5. The Act Unconstitutionally Delegates Federal Power to Private Actors

The Act empowers private ideological organizations to initiate enforcement, influence seizure decisions, and take custody of seized property. This violates the nondelegation principles of *Carter v. Carter Coal* and the structural limits reaffirmed after *Loper Bright*. Congress cannot outsource coercive power to private actors with adverse interests.

Conclusion

The FIGHT Act is not a regulation—it is a confiscation. It criminalizes biology, natural law, culture, and lawful property; invites discriminatory enforcement; eliminates constitutionally required mens rea; and authorizes uncompensated seizure and destruction without due process. If enacted, it will face immediate constitutional challenge, and under binding Supreme Court precedent, it cannot survive. Congress should not enact a statute that is facially unconstitutional, structurally unsound, and guaranteed to be enjoined.

I. The FIGHT Act Is Unconstitutional on Its Face Under the Due Process Clause

The FIGHT Act violates the Due Process Clause in every dimension the Supreme Court has identified. Procedurally, it authorizes seizure, forfeiture, and destruction of property without the notice, hearing, or neutral adjudication required by *Fuentes*, *James Daniel Good*, and *Mathews*. Substantively, it criminalizes innocent conduct, cultural practices, and biologically determined animal behavior in direct conflict with *Glucksberg*, *Lewis*, and *Morissette*. Structurally, it relies on vague and undefined terms—“intent to engage,” “training paraphernalia,” “possession for prohibited purposes”—that invite arbitrary and discriminatory enforcement under *Kolender* and *Papachristou*. After *Loper Bright*, these defects cannot be cured through agency interpretation. Taken together, the Act’s procedural deficiencies, substantive overreach, vagueness, lack of mens rea, and delegation to private actors render it unconstitutional on its face.

1. Procedural Due Process Violations: Seizure, Forfeiture, and Destruction Without Safeguards

The Supreme Court requires notice, a meaningful opportunity to be heard, and neutral adjudication before the government may deprive individuals of property.

Cases such as *Fuentes v. Shevin* and *James Daniel Good* make clear that pre-deprivation process is mandatory.

Yet the FIGHT Act authorizes:

- immediate seizure of animals,
- forfeiture without prior hearing,
- destruction of property before adjudication,
- reliance on private complainants and advocacy-group “experts.”

The FIGHT Act authorizes immediate seizure of animals, forfeiture without prior hearing, prohibited anonymous complaints, and destruction of property before adjudication.

These procedures violate every procedural safeguard the Court has required for more than two hundred and fifty years.

2. Substantive Due Process Violations: Criminalizing Innocent Conduct, Culture, and Biology

Substantive due process prohibits laws that are arbitrary, oppressive, or disconnected from legitimate governmental interests.

The FIGHT Act criminalizes:

- ownership of lawful property,
- cultural and heritage practices,
- possession of animals with naturally occurring genetic traits,
- conduct that is neither harmful nor wrongful.

Criminalizing biology, culture, or innocent possession is incompatible with *Glucksberg*, *Lewis*, and *Morissette*.

The Act attempts to federalize intrastate animal ownership and cultural practices that have no substantial relation to interstate commerce, violating the limits articulated in *Lopez* and *Morrison*.

3. Vagueness: Undefined Terms, No Standards, and Post-Loper Bright Fatality

A statute is void for vagueness when “persons of common intelligence must necessarily guess at its meaning.”

This testimony correctly identifies that the Act uses undefined terms such as:

- “intent to engage,”
- “training paraphernalia,”
- “possession for prohibited purposes,”
- “animal fighting venture.”

As I wrote:

“These terms provide no objective standards and allow officers to infer criminality from appearance, culture, or genetic traits.”

After *Loper Bright v. Raimondo* (2024), agencies no longer receive deference to “fill in the gaps.” Vagueness is now fatal, not curable.

4. Arbitrary and Discriminatory Enforcement

Vague statutes invite discriminatory enforcement — a dual violation of Due Process and Equal Protection.

As *Papachristou* and *Kolender* make clear, laws that allow officers to target disfavored groups are unconstitutional.

The FIGHT Act creates exactly this dynamic:

- rural and minority communities become predictable enforcement targets,
- cultural and heritage practices are singled out,
- enforcement becomes driven by ideology rather than law.

“This is precisely the type of arbitrary enforcement the Due Process Clause forbids.”

5. Criminalizing Status, Condition, and Biological Traits

In *Robinson v. California*, the Court held that the government may not criminalize status, condition, or inherent characteristics.

The FIGHT Act treats:

- genetic lineage,
- phenotype,
- inherited behavioral traits,
- biological predispositions

as evidence of criminal intent.

This is the exact status-based criminalization *Robinson* prohibits.

6. Lack of Mens Rea and Criminalization of Innocent Conduct

The Due Process Clause prohibits criminal punishment without a culpable mental state.

The FIGHT Act eliminates mens rea by:

- imposing strict liability for ownership of animals with natural traits,
- criminalizing possession of ordinary agricultural tools,
- disregarding Natural Law, and
- treating cultural practices as inherently suspect.

“Criminalizing owners for the natural expression of an animal’s genome is incompatible with due process.”

7. Lack of Fair Notice

Due process requires clear notice of what conduct is prohibited.

The FIGHT Act fails this requirement because:

- owners cannot know whether lawful breeding constitutes “training,”
- owners cannot know whether accepted husbandry practices to condition chickens to be transported and shown at fairs constitutes “training,”
- ordinary tools may be construed as “equipment,”
- genetic traits may be misinterpreted as “intent,”
- cultural practices may be reclassified as criminal conduct.

A statute that forces citizens to guess at legality is void.

8. Delegation Without Guardrails

The Act delegates investigatory and enforcement authority to agencies and private actors without statutory limits.

After *Loper Bright*, such delegations are constitutionally indefensible.

9. The Combined Effect: A Statute Void on Its Face

When a statute is:

- vague,
- overbroad,
- lacking mens rea,
- arbitrarily enforceable,
- delegating criminal authority without standards,
- criminalizing status and biology,
- authorizing seizure without hearings,

It is void under the Due Process Clause.

II. Equal Protection Clause Violations

The FIGHT Act violates the Equal Protection Clause because it disproportionately burdens identifiable cultural, rural, and minority communities; relies on enforcement mechanisms that invite discriminatory application; and criminalizes biological and cultural characteristics that correlate strongly with protected classes. The Equal Protection violations are not incidental—they are engineered into the enforcement structure. The Supreme Court has repeatedly held that statutes with discriminatory purpose, discriminatory effect, or arbitrary enforcement patterns are unconstitutional.

1. The Act's enforcement structure triggers the Arlington Heights framework for discriminatory intent

Under *Village of Arlington Heights v. Metropolitan Housing Corp.* (1977), courts evaluate discriminatory intent by examining:

- the historical background of the statute,
- the sequence of events leading to enactment,
- departures from normal legislative procedure,
- the involvement of biased private actors,
- and the disparate impact on identifiable communities.

The FIGHT Act satisfies multiple *Arlington Heights* factors:

- It was shaped by private ideological organizations with documented hostility toward rural and minority cultural practices.
- It departs from standard federal enforcement structures by encouraging private-actor involvement.
- It disproportionately impacts communities whose cultural identity includes traditional animal husbandry and heritage breeding.

These factors collectively support a finding of unconstitutional discriminatory purpose.

2. The Act has a disparate impact on identifiable cultural and minority communities

Even absent explicit discriminatory intent, a statute violates Equal Protection when it has a **predictable and disproportionate impact** on specific groups.

- *Washington v. Davis* (1976)
- *Yick Wo v. Hopkins* (1886)

The FIGHT Act disproportionately affects:

- rural agricultural communities,
- minority cultural groups with traditional animal practices,
- families maintaining heritage breeding lines,
- communities whose livelihoods depend on lawful animal husbandry.

A statute with such predictable disparate impact is constitutionally suspect under *Davis* and *Yick Wo*.

3. The Act invites arbitrary and discriminatory enforcement, violating both Equal Protection and Due Process

The Supreme Court has repeatedly struck down statutes that enable officers to selectively target disfavored groups.

- *Kolender v. Lawson* (1983)
- *Papachristou v. Jacksonville* (1972)*
- *Whren v. United States* (1996)* (acknowledging pretextual enforcement concerns)

The FIGHT Act’s vague terms — “intent to engage,” “training paraphernalia,” “possession for prohibited purposes” — allow officers to infer criminality from:

- breed,
- phenotype,
- cultural practices,
- equipment commonly used in lawful husbandry,
- or the identity of the owner.

This is the precise type of arbitrary enforcement condemned in *Kolender* and *Papachristou*.

4. Criminalizing biological traits and cultural identity violates Equal Protection

The Supreme Court prohibits laws that criminalize **status**, **condition**, or **inherent characteristics**.

- *Robinson v. California* (1962)
- *Lukumi Babalu Aye v. Hialeah* (1993)
- *Wisconsin v. Yoder* (1972)

The FIGHT Act effectively criminalizes:

- ownership of animals with certain **genetic traits**,
- cultural practices tied to heritage and identity,
- biological predispositions inherent in specific breeds.

Criminalizing biological inheritance or cultural identity violates Equal Protection and substantive due process simultaneously.

5. The Act's discriminatory enforcement risks are amplified by private-actor involvement

The Supreme Court has condemned enforcement systems shaped by private actors with adverse interests.

- *Carter v. Carter Coal Co.* (1936)
- *Young v. United States ex rel. Vuitton* (1987)

Because the FIGHT Act encourages:

- private ideological complainants,
- advocacy-group “experts,”
- and third-party evidence collection,

It creates a pipeline for discriminatory enforcement driven by private bias rather than neutral governmental judgment.

6. Heightened scrutiny applies when cultural practices are targeted

The Supreme Court applies heightened scrutiny when laws burden culturally rooted practices.

- *Lukumi* (targeting religious animal practices)
- *Yoder* (targeting cultural educational practices)

The FIGHT Act disproportionately burdens communities whose cultural identity includes traditional animal husbandry. Under *Lukumi* and *Yoder*, such burdens require heightened scrutiny — scrutiny the Act cannot survive.

The FIGHT Act violates the Equal Protection Clause because it disproportionately burdens identifiable cultural and minority communities, invites arbitrary and discriminatory enforcement, criminalizes biological and cultural characteristics, and was shaped by private actors with documented hostility toward the affected groups. Under *Arlington Heights*, *Davis*, *Yick Wo*, *Kolender*, *Papachristou*, *Robinson*, *Lukumi*, and *Yoder*, the Act's discriminatory purpose, effect, and enforcement structure render it unconstitutional.

The Equal Protection problem is inseparable from the Due Process problem. The Supreme Court has repeatedly held that vague statutes violate both clauses because they “encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson* (1983). The FIGHT Act's undefined terms—“possession,” “training,” “equipment,” “intent,” and “facilitation”—give enforcement agencies unbounded discretion to target rural, minority, or culturally distinct communities. A statute that enables selective enforcement is not merely unfair; it is unconstitutional under both the Equal Protection Clause and the Due Process Clause.

III. The FIGHT Act Lacks Constitutionally Required Mens Rea Protections

The FIGHT Act violates one of the oldest and most fundamental principles of Anglo-American criminal law: the requirement of a culpable mental state. For more than a century, the Supreme Court has held that Congress may not impose criminal liability for conduct that is innocent, culturally rooted, or biologically determined. The Act disregards this principle entirely. It imposes strict liability for ownership of lawful animals, treats genetic traits as evidence of criminal purpose, and resurrects guilt-by-association theories the Court has repeatedly condemned. These defects are not peripheral—they are structural, and they render the statute unconstitutional on its face.

1. Strict-liability criminalization of innocent conduct is unconstitutional

The Supreme Court has consistently rejected statutes that impose criminal penalties without requiring proof of intent:

- *Morrisette v. United States* (1952)
- *Staples v. United States* (1994)
- *Elonis v. United States* (2015)

These cases establish a clear rule:

When a statute risks criminalizing traditionally lawful conduct, courts presume a Mens rea requirement—even if Congress omits one.

The FIGHT Act does the opposite. It criminalizes:

- mere possession of animals,
- ownership of breeding stock,
- transport for lawful purposes,
- possession of ordinary agricultural tools labeled as “paraphernalia,”
- cultural and religious practices,
- and innocent association with heritage breeds.

This is precisely the type of strict-liability criminalization the Court has rejected for more than seventy years. A statute that punishes passive, innocent, or culturally rooted conduct without proof of intent violates the Due Process Clause.

2. Modern genomic research confirms that key animal behaviors are biologically determined—not the product of human intent

A 2024 study by Bendesky et al. identified naturally occurring variants in the **ISPD** and **SORCS2** genes that strongly influence game fowl physiology and behavior:

- **ISPD** is associated with enhanced muscular endurance and physical resilience.
- **SORCS2** is associated with intrinsic, voluntary engagement in high-intensity competitive behaviors.

These findings have direct constitutional implications:

- Owners cannot “train out” or “condition away” genetically rooted traits
- Criminal liability cannot be based on inherent biological characteristics of an animal.
- Treating natural behavior as evidence of criminal intent violates the Due Process Clause.

The Supreme Court has never upheld a criminal statute that punishes individuals for the natural expression of biological traits they did not create, direct, or control. The FIGHT Act attempts to do exactly that.

3. Criminalizing ownership of animals with certain genetic traits violates Due Process and mirrors forbidden status-based criminalization

Under *Morissette*, *Staples*, and *Elonis*, Congress must clearly define a culpable mental state when criminalizing conduct that could otherwise be innocent. The FIGHT Act instead presumes guilt based on:

- phenotype,
- lineage,
- genetic markers,
- or inherited behavioral predispositions.

This structure mirrors the unconstitutional status-based criminalization rejected in *Robinson v. California* (1962). The government may not criminalize status, condition, or inherent characteristics. Yet the Act treats biological inheritance as a proxy for criminal purpose—an approach the Court has repeatedly condemned.

4. The Act's structure encourages guilt-by-association, which the Supreme Court has repeatedly rejected

The FIGHT Act allows prosecutors to infer criminal intent from:

- the breed of an animal,
- the presence of ordinary tools,
- cultural or heritage practices,
- social associations,
- or lawful transport.

The Supreme Court has rejected guilt-by-association doctrines in:

- *Scales v. United States* (1961)
- *NAACP v. Claiborne Hardware Co.* (1982)

The Act resurrects these unconstitutional theories by treating ownership, culture, and biology as proxies for criminal intent. Criminal liability must be based on individual culpability—not on association, identity, or inherited traits.

5. The Act's mens rea defects are compounded by its vague and overbroad language

Because the Act fails to define key terms—"intent to engage," "possession for prohibited purposes," "training paraphernalia"—it allows prosecutors to infer intent from:

- innocent conduct,
- cultural practices,
- genetic traits,
- or equipment used for lawful purposes.

This violates both the Due Process Clause and the rule of lenity. A statute that forces citizens to guess at what conduct is criminal—and allows prosecutors to infer intent from biology or culture—is unconstitutional.

The FIGHT Act is unconstitutional because it imposes criminal liability without requiring proof of intent, knowledge, or purpose. It criminalizes innocent conduct, cultural practices, and the natural expression of biological traits identified in the Bendesky (2024) ISPD and SORCS2 genomic findings. Under *Morissette*, *Staples*, *Elonis*, *Scales*, *Claiborne Hardware*, and *Robinson*, the Act's strict-liability structure violates the Due Process Clause and cannot stand.

Here is a **fully reorganized and rewritten Section IV**, built around the opportunities we identified:

- clearer linear structure
- stronger doctrinal sequencing
- tighter integration of Due Process + Takings principles
- more aggressive framing of phenotype/lineage criminalization
- a more authoritative narrative arc

IV. Property Rights and the Constitutional Status of Animals as Chattel

For more than a century, the Supreme Court has held that animals are personal property protected by the same constitutional guarantees that apply to all other forms of chattel. Congress may regulate conduct, but it may not redefine lawful property as contraband, criminalize ownership without a culpable mental state, or authorize seizure and destruction without the procedural safeguards required by the Fifth and Fourteenth Amendments. The FIGHT Act violates each of these principles. It treats lawful property as inherently suspect, eliminates all economically viable uses of certain animals, and authorizes uncompensated seizure and destruction based on phenotype, lineage, or genetic traits. These defects render the Act unconstitutional on its face.

1. Animals are constitutionally protected property under binding Supreme Court precedent

The Supreme Court has long recognized that animals are chattel:

- *Sentell v. New Orleans & Carrollton R.R. Co.* (1897)
- *Nicchia v. New York* (1920)

These cases establish a foundational rule:

Animals are personal property, and their ownership is protected by the Due Process and Takings Clauses.

The FIGHT Act disregards this principle by treating lawful ownership as presumptively criminal and by converting ordinary property into de facto contraband without constitutional justification.

2. Property cannot be seized, forfeited, or destroyed without constitutionally required due process

The Supreme Court has repeatedly held that even temporary deprivation of property requires robust procedural safeguards:

- *Fuentes v. Shevin* (1972)
- *United States v. James Daniel Good Real Property* (1993)
- *Connecticut v. Doehr* (1991)

The FIGHT Act authorizes:

- immediate seizure of animals,
- forfeiture without prior hearing,
- destruction of property before adjudication,
- and enforcement triggered by private ideological complainants.

This is the exact procedural framework the Court has struck down for more than fifty years. A statute that authorizes seizure and destruction without notice, hearing, or neutral adjudication violates procedural due process.

3. Criminalizing ownership of lawful property violates the Fifth Amendment

The Supreme Court has held that the government may not criminalize the mere possession of lawful property unless the property is inherently dangerous or contraband per se:

- *Staples v. United States* (1994)
- *United States v. Miller* (1939)
- *Lambert v. California* (1957)

Heritage game fowl, working animals, and agricultural breeds are not contraband. They are lawful property with legitimate cultural, agricultural, and economic uses.

Congress cannot convert lawful property into contraband by legislative fiat.

The FIGHT Act attempts to do exactly that.

4. The Act imposes unconstitutional burdens on traditional and economically viable property uses

The Supreme Court prohibits regulations that destroy the economic value of property:

- *Lucas v. South Carolina Coastal Council* (1992)
- *Horne v. Department of Agriculture* (2015)
- *Cedar Point Nursery v. Hassid* (2021)

The FIGHT Act:

- eliminates all economically viable uses of certain breeds,
- criminalizes breeding, transport, and sale,
- authorizes uncompensated seizure and destruction,
- and delegates enforcement to private ideological actors.

This is a textbook regulatory taking. A statute that destroys the economic value of property without compensation violates both the Takings Clause and substantive due process.

5. The Act's reliance on phenotype, lineage, and biological traits is constitutionally impermissible

The FIGHT Act treats certain animals as presumptively illegal based on:

- breed,
- appearance,
- genetic lineage,
- or inherited behavioral traits.

The Supreme Court has never upheld a statute that criminalizes property ownership based on inherent biological characteristics. Doing so violates:

- Due Process,
- Equal Protection,
- the Takings Clause,
- and the rule of lenity.

Property cannot be criminalized because of its nature.

A the FIGHT Act, and any statute that treats phenotype or genetic inheritance as evidence of criminality is unconstitutional.

6. The Act's property-rights violations are compounded by its procedural defects

Because the Act authorizes seizure and destruction without prior hearing, it violates:

- *Fuentes v. Shevin* (1972)
- *James Daniel Good Real Property* (1993)

A taking without due process is doubly unconstitutional. The FIGHT Act's property- rights framework fails both the procedural and substantive requirements of the Fifth Amendment.

Animals are constitutionally protected property. The FIGHT Act violates this principle by criminalizing lawful ownership, authorizing seizure and destruction without due process, eliminating all economically viable uses, and treating biological traits as evidence of criminality. Under *Sentell*, *Nicchia*, *Fuentes*, *James Daniel Good*, *Lucas*, *Horne*, and *Cedar Point*, the Act's property-rights structure is unconstitutional and cannot stand.

V. Regulatory Takings Under the Fifth Amendment

The FIGHT Act violates the Takings Clause because it eliminates all economically viable uses of lawful property, authorizes uncompensated seizure and destruction of animals, and transfers control of property to the government and private actors without just compensation. The Supreme Court has recognized multiple categories of takings—regulatory, physical, temporary, and functional—and the FIGHT Act triggers **every one of them**. A statute that simultaneously destroys economic value, authorizes physical occupation, and deprives owners of investment-backed expectations is unconstitutional on its face.

1. A regulation that eliminates all economically viable use is a per se taking

In *Lucas v. South Carolina Coastal Council* (1992), the Supreme Court held that when a regulation deprives property of **all economically beneficial use**, it is a categorical taking requiring compensation. *Palazzolo* decided that there is no expiration on the takings clause of the 5th Amendment.” and *Monterey* decided that for purposes of determining just compensation under the takings clause of the Federal Constitution's Fifth Amendment, the question is what has the owner lost (i.e., property, heritage fowl with irreplaceable bloodlines, rights), not what has the taker gained.

The FIGHT Act does exactly that. It:

- eliminates the ability to breed certain animals,
- criminalizes transport, sale, and exchange,
- destroys the economic value of heritage lines and breeding stock,
- and converts innocent, lawful property into de facto contraband.

This is the precise scenario *Lucas*, *Palazzolo* and *Monterrey* addressed: a regulation that leaves owners with **no viable use** of their property.

2. Personal property receives full Takings Clause protection

In *Horne v. Department of Agriculture* (2015), the Court held that the Takings Clause applies equally to **personal property** and **real property**. Animals—including game fowl, heritage breeds, and working animals—are personal property.

The FIGHT Act authorizes:

- seizure,
- forfeiture,
- destruction,
- and permanent deprivation of ownership

without compensation.

Under *Horne*, this is a categorical taking.

3. Government-authorized physical invasions and seizures are per se takings

In *Cedar Point Nursery v. Hassid* (2021), the Court reaffirmed that any government-authorized physical invasion or transfer of control over property is a **per se taking**.

The FIGHT Act authorizes:

- entry onto private property,
- seizure of animals,
- transfer of animals to private organizations,
- and destruction of seized property.

These are not regulatory burdens—they are **physical takings**.

4. Delegating seizure authority to private actors is unconstitutional

In *Loretto v. Teleprompter* (1982), the Court held that even a small, permanent physical occupation is a per se taking. The FIGHT Act goes further by allowing:

- private ideological groups to initiate enforcement,
- private “experts” to influence seizure decisions,
- and transfer of seized animals to private organizations.

This violates both *Loretto* and the nondelegation principles articulated in *Carter v. Carter Coal Co.* (1936).

The government cannot outsource coercive power to private actors with adverse interests.

5. Even temporary seizures constitute takings

In *Arkansas Game & Fish Commission v. United States* (2012), the Court held that temporary government actions can constitute takings.

The FIGHT Act authorizes:

- temporary impoundment,
- long-term deprivation,
- and destruction before adjudication.

Each of these triggers takings liability.

6. The Act destroys investment-backed expectations under the Penn Central test

Under *Penn Central Transportation Co. v. New York City* (1978), courts consider:

- **economic impact,**
- **interference with investment-backed expectations,**
- **and the character of the government action.**

The FIGHT Act fails all three prongs:

- **Economic impact:** catastrophic for breeders, farmers, and cultural practitioners.
- **Investment-backed expectations:** destroyed for owners who have invested in bloodlines, facilities, and breeding programs.
- **Character of the government action:** punitive, ideologically driven, and confiscatory.

Even under the deferential *Penn Central* test, the Act is unconstitutional.

7. Criminalizing property ownership is a functional taking

In *United States v. General Motors Corp.* (1945), the Court held that takings include the destruction of property rights essential to economic value.

The FIGHT Act:

- criminalizes ownership,
- eliminates lawful uses,
- destroys market value,
- and transfers control to the government or private actors.

This is a **functional taking** under *General Motors*.

8. The Act's takings violations are compounded by its due-process defects

Because the Act authorizes seizure and destruction without prior hearing, it violates:

- *Fuentes v. Shevin* (1972), and
- *United States v. James Daniel Good Real Property* (1993).

A taking without due process is **doubly unconstitutional**.

The FIGHT Act's takings framework collapses under both the Takings Clause and the Due Process Clause.

The FIGHT Act violates the Takings Clause because it eliminates all economically viable uses of lawful property, authorizes uncompensated seizure and destruction, delegates coercive power to private actors, and destroys investment-backed expectations. Under *Lucas*, *Horne*, *Cedar Point*, *Loretto*, *Arkansas Game & Fish*, *Penn Central*, and *General Motors*, the Act's regulatory and physical takings are unconstitutional and cannot stand.

VI. Enforcement Feasibility and Unintended Consequences

The FIGHT Act is not only unconstitutional—it is operationally unworkable. Its enforcement structure depends on subjective judgments, unconstitutional inferences, and private-actor influence. A statute that cannot be enforced without violating constitutional rights is unenforceable as a matter of law.

1. The Act cannot be enforced without relying on unconstitutional inferences from biology, culture, or appearance

Because the Act lacks objective standards and relies on vague terms such as “intent to engage,” “training paraphernalia,” and “possession for prohibited purposes,” enforcement necessarily depends on:

- phenotype and lineage,
- cultural or heritage practices,
- ordinary agricultural tools,
- and the identity or background of the owner.

This is not lawful enforcement—it is guesswork. Officers cannot determine criminality without making constitutionally forbidden inferences from status, biology, or culture. A statute that requires unconstitutional enforcement methods is invalid on its face.

2. The Act diverts law-enforcement resources from legitimate public-safety priorities

Federal and state agencies already face significant resource constraints. The Act would require:

- genetic or behavioral evaluation of animals,
- reliance on advocacy-aligned “experts,”
- storage, care, and transport of seized animals,
- and litigation over wrongful seizure and destruction.

These burdens divert resources from violent crime, narcotics, trafficking, and other legitimate federal priorities. Congress should not mandate an enforcement regime that drains capacity while producing no measurable public-safety benefit.

3. The Act exposes agencies and officers to substantial civil liability

Because the Act authorizes seizure and destruction without due process, officers and agencies face heightened risk of:

- § 1983 claims,
- Bivens-type actions,
- Wrongful-seizure and wrongful-destruction suits,
- takings claims under *Horne* and *Cedar Point*,
- and equal-protection challenges under *Yick Wo* and *Arlington Heights*.

The Act creates a litigation pipeline that will consume agency budgets and expose individual officers to personal liability for actions taken under an unconstitutional statute.

4. The Act destabilizes rural economies and cultural practices

The Act criminalizes:

- heritage breeding programs,
- agricultural husbandry practices,
- lawful transport and sale,
- and the maintenance of culturally significant bloodlines.

These activities support rural economies, small farms, and multigenerational cultural traditions. Eliminating them produces economic harm without advancing any legitimate governmental interest.

5. The Act incentivizes pretextual and discriminatory enforcement

Because the Act's standards are vague and its enforcement is driven by private complainants, it creates predictable patterns of:

- selective enforcement,
- cultural targeting,
- rural profiling,
- and pretextual searches.

This mirrors the unconstitutional enforcement patterns condemned in *Kolender*, *Papachristou*, and *Whren*. Congress should not enact a statute that structurally invites discriminatory enforcement.

VII. Due Process Clause Violations (Procedural, Substantive, and Vagueness)

The FIGHT Act is unconstitutional because it violates the Due Process Clause at every level — procedurally, substantively, and structurally. A statute that authorizes seizures without hearings, criminalizes biologically determined behavior, and relies on undefined standards is not merely defective; it is fundamentally incompatible with the Fifth and Fourteenth Amendments.

1. Procedural Due Process: The Act authorizes deprivation of property without constitutionally required safeguards

The Supreme Court has repeatedly held that the government must provide **notice**, a **meaningful opportunity to be heard**, and **neutral adjudication** before depriving individuals of property.

- *Mathews v. Eldridge* (1976) requires balancing private interests, risk of erroneous deprivation, and governmental justification.
- *Fuentes v. Shevin* (1972) prohibits even temporary seizure of property without prior hearing.
- *United States v. James Daniel Good Real Property* (1993) requires pre-seizure notice and hearing absent extraordinary circumstances.
- *Connecticut v. Doehr* (1991) invalidates prejudgment seizures lacking judicial oversight.
- *Wong Sun* requires probable cause determination by a neutral and detached magistrate to insure that deliberate, impartial judgment of judicial officer will be interposed between citizen and police, to assess weight and credibility of information which complaining officer adduces as probable cause.

The FIGHT Act violates all of these principles. It authorizes:

- Immediate seizure of animals
- Forfeiture without prior hearing
- Destruction of property before adjudication
- Enforcement triggered by private ideological complainants

This is the exact procedural framework the Supreme Court has repeatedly struck down.

2. Substantive Due Process: The Act criminalizes conduct without a legitimate governmental justification

Substantive due process prohibits arbitrary, oppressive, or ideologically motivated government action.

- *County of Sacramento v. Lewis* (1998) bars government action that “shocks the conscience.”
- *Washington v. Glucksberg* (1997) requires laws criminalizing conduct to be grounded in history and tradition.
- *BMW v. Gore* (1996) prohibits arbitrary or disproportionate penalties.
- *Carolene Products, n.4* (1938) warns against laws targeting politically powerless groups.

The FIGHT Act criminalizes:

- Ownership of animals with **naturally occurring genetic traits**
- Cultural and heritage practices
- Innocent possession of property
- Conduct that is lawful, traditional, and constitutionally protected

There is no legitimate governmental interest that justifies criminalizing **biology, culture, or property ownership**. The Act is ideologically driven, not evidence-based.

3. Vagueness: The Act’s undefined terms invite arbitrary and discriminatory enforcement

A statute is void for vagueness if people of ordinary intelligence cannot understand what conduct is prohibited or if it encourages arbitrary enforcement.

- *Papachristou v. Jacksonville* (1972)
- *Kolender v. Lawson* (1983)
- *Johnson v. United States* (2015)
- *Sessions v. Dimaya* (2018)

The FIGHT Act uses terms such as:

- “possession for prohibited purposes”
- “training paraphernalia”
- “intent to engage”
- “animal fighting venture”

None of these terms are defined with constitutional precision. They allow officers and prosecutors to infer criminal intent from:

- Breed
- Appearance
- Equipment
- Cultural practices
- Genetic traits

This is the exact vagueness problem condemned in *Papachristou*, *Johnson*, and *Dimaya*.

4. The Act's structure compounds its Due Process violations

The FIGHT Act's procedural, substantive, and vagueness defects do not operate independently — they reinforce each other:

- Vague standards increase the risk of erroneous deprivation.
- Lack of hearings magnifies the harm of vague standards.
- Criminalizing biological traits eliminates any rational basis.
- Delegating enforcement to private actors increases arbitrariness.

This is not a statute with isolated flaws. It is a statute whose **entire architecture** violates the Due Process Clause.

The FIGHT Act is unconstitutional because it authorizes seizures without hearings, criminalizes conduct without legitimate justification, and relies on vague standards that invite arbitrary and discriminatory enforcement. Under *Mathews*, *Fuentes*, *James Daniel Good*, *Lewis*, *Glucksberg*, *Papachristou*, *Johnson*, and *Dimaya*, the Act violates procedural due process, substantive due process, and the constitutional prohibition on vague criminal statutes.

The Supreme Court has held that when a law burdens First Amendment activity, the Due Process Clause requires heightened clarity and narrow tailoring. *Grayned v. City of Rockford* (1972). The FIGHT Act's vague prohibitions on "training," "equipment," and "facilitation" allow enforcement agencies to target cultural and religious practices without clear statutory limits. A statute that chills constitutionally protected conduct through ambiguity violates both the First Amendment and the Due Process Clause.

5. The Act's Due Process violations include use of prohibited opinion testimony

Langford (2011) decided that cock fighting is a victimless crime. *Schad* (1981) decided that government cannot legislate lifestyles protected by the First and Fourteenth Amendments to the Constitution, and cannot tell the citizenry what they can or cannot watch in *privacy* on *private* property. The state's role is not nanny or moral police to deny rights to watch a private event with no victim based on police *opinion* of what is morally wrong. *Torres* (1995) decided that police officers cannot express opinions at pg. 38: "Opinion testimony is generally inadmissible at trial" And pg. 47: "A witness may not express an opinion as to whether a crime has been committed."

The FIGHT Act conflicts with provisions against unlawful police action.

Steagald (1981) decided: “Fourth Amendment is designed to prevent, not simply to redress, unlawful police action. ... Fourth Amendment was intended partly to protect against abuses of general warrants that had occurred in England and of writs of assistance used in the colonies. ... The search in question violated the Fourth Amendment, where it took place in absence of consent or exigent circumstances.”

VIII. Treaty-Based and Historical Protections

The FIGHT Act threatens rights that are not merely statutory or cultural — they are protected by binding treaties, historical guarantees, and Supreme Court precedent. Congress may not legislate in a manner that undermines treaty-secured rights, nor may it disregard the historical property and cultural protections that predate statehood in many regions of the United States.

1. Treaty rights remain fully enforceable unless Congress clearly abrogates them

The Supreme Court has repeatedly held that treaty rights remain in force unless Congress unmistakably expresses an intent to abrogate them.

- *McGirt v. Oklahoma* (2020) reaffirmed that treaty promises “are the supreme law of the land” and remain binding until Congress clearly states otherwise.
- *Herrera v. Wyoming* (2019) held that treaty- protected hunting rights survived statehood and could not be nullified by state law.
- *Missouri v. Holland* (1920) confirmed that treaties supersede conflicting state regulations.

The FIGHT Act contains **no clear statement** abrogating any treaty- based cultural or property rights. Without such a statement, the Act cannot constitutionally interfere with:

- Traditional animal husbandry
- Cultural animal practices
- Heritage breeding lines
- Property rights recognized in historical treaties

Any enforcement that infringes treaty-protected practices is unconstitutional.

2. The Treaty of Guadalupe Hidalgo protects cultural and property rights in the Southwest

The Treaty of Guadalupe Hidalgo (1848) guarantees:

- Protection of property rights
- Preservation of cultural practices
- Continuity of traditional uses of land and animals

The Supreme Court has consistently recognized that these protections remain enforceable. The FIGHT Act's broad prohibitions — particularly those affecting heritage breeds, traditional animal uses, and cultural practices — risk violating these treaty-secured rights.

Congress cannot legislate away treaty-protected cultural identity.

3. Historical rights tied to land, culture, and animal use receive heightened protection

The Supreme Court has long recognized that certain cultural practices are deeply intertwined with property rights and community identity.

- *Wisconsin v. Yoder* (1972) held that longstanding cultural practices receive heightened constitutional protection.
- *Lukumi Babalu Aye v. Hialeah* (1993) invalidated laws targeting culturally rooted animal practices.

The FIGHT Act disproportionately burdens communities whose cultural identity includes:

- Traditional animal husbandry
- Heritage breeding
- Ceremonial or communal animal practices
- Intergenerational agricultural customs

A statute that disrupts these practices must survive strict scrutiny — a standard the Act cannot meet.

4. Congress may not impose regulations that destroy historically protected property uses

Historical property uses — including breeding, husbandry, and cultural animal practices — are protected under:

- The Fifth Amendment
- Treaty law
- Longstanding common-law principles

The FIGHT Act's prohibitions:

- Eliminate traditional uses of property
- Criminalize practices protected for generations
- Disrupt cultural continuity
- Override rights recognized in treaties and historical compacts

This is constitutionally impermissible.

5. Enforcement that disregards treaty or historical protections is unconstitutional

Any enforcement action under the FIGHT Act that interferes with:

- Treaty-protected cultural practices
- Historically recognized property rights
- Traditional uses of animals
- Heritage breeding lines, and
- violates the Supremacy Clause and the Due Process Clause.

The Supreme Court has made clear that treaty rights cannot be nullified by implication, administrative interpretation, or ideological enforcement.

The FIGHT Act threatens treaty-secured rights, historical property protections, and culturally rooted practices that the Supreme Court has repeatedly held are constitutionally protected. Under *McGirt*, *Herrera*, *Holland*, *Yoder*, and *Lukumi*, Congress may not enact legislation that undermines treaty obligations or destroys historically protected uses of property. Any enforcement that disregards these protections is unconstitutional.

The Due Process Clause also protects reliance interests rooted in longstanding cultural, historical, and treaty-recognized practices. The Supreme Court has repeatedly emphasized that laws disrupting deeply rooted traditions must be clear, narrowly tailored, and justified by compelling evidence. The FIGHT Act's vague prohibitions threaten practices protected for generations, violating the procedural and substantive guarantees of due process.

IX. Administrative Overreach After the End of Chevron Deference

The FIGHT Act is structurally incompatible with modern administrative-law doctrine. With the Supreme Court's dismantling of Chevron deference, agencies no longer receive automatic judicial deference when interpreting ambiguous statutes. A law that relies on vague terms, broad delegations, and discretionary enforcement — as the FIGHT Act does — is now constitutionally vulnerable in ways Congress cannot ignore.

1. Chevron deference is dead — agencies no longer get the benefit of the doubt

In *Loper Bright Enterprises v. Raimondo* (2024), the Supreme Court eliminated Chevron deference, holding that courts must independently interpret statutes rather than defer to agency interpretations. This fundamentally changes the legal landscape.

Under *Loper Bright*:

- Ambiguous statutes are construed **against** the agency.
- Agencies cannot expand their authority through interpretation.
- Courts will strike down vague or overbroad delegations.

The FIGHT Act is built on ambiguity. Without Chevron, those ambiguities become constitutional liabilities.

2. The Act's broad delegations violate the non-delegation doctrine

The Supreme Court has repeatedly warned that Congress may not delegate legislative power without clear, intelligible principles.

- *Gundy v. United States* (2019) signaled renewed scrutiny of broad delegations.
- *West Virginia v. EPA* (2022) held that agencies cannot assert “major” regulatory authority without clear congressional authorization.
- *Biden v. Nebraska* (2023) reaffirmed that agencies cannot discover sweeping powers in vague statutory text.

The FIGHT Act violates these principles because it:

- Delegates enforcement discretion to agencies without clear standards.
- Allows agencies to define “intent,” “paraphernalia,” and “prohibited purposes.”
- Permits private ideological actors to influence enforcement.
- Authorizes seizures and forfeitures without statutory precision.

This is the exact type of delegation the Court has condemned.

3. The Act triggers the Major Questions Doctrine

Under *West Virginia v. EPA* and *Biden v. Nebraska*, agencies cannot regulate issues of major economic or political significance without explicit congressional authorization.

The FIGHT Act implicates:

- Property rights
- Cultural practices
- Agricultural industries
- Interstate commerce
- Criminal liability
- Seizure and forfeiture authority

These are unquestionably “major questions.” Yet the Act provides:

- No clear definitions
- No limiting principles
- No explicit authorization for the sweeping powers it grants

Under the Major Questions Doctrine, the Act is unconstitutional.

4. The Act’s reliance on private actors magnifies its administrative defects

The FIGHT Act encourages agencies to rely on:

- Private ideological complainants
- Advocacy-group “experts”
- Non-governmental organizations with financial conflicts
- Third-party investigations and evidence collection

This violates the constitutional requirement that **coercive power must remain with accountable public officials**, not private actors with ideological agendas.

The Supreme Court has condemned similar arrangements:

- *Carter v. Carter Coal Co.* (1936) invalidated delegations to private parties with adverse interests.
- *A.L.A. Schechter Poultry Corp. v. United States* (1935) struck down laws enabling private groups to shape enforcement standards.

The FIGHT Act repeats these unconstitutional structures.

5. Ambiguous criminal statutes are construed in favor of defendants

With Chevron gone, the rule of lenity becomes even more powerful. Courts must interpret ambiguous criminal statutes narrowly.

- *United States v. Santos* (2008)
- *United States v. Bass* (1971)

The FIGHT Act’s criminal provisions — built on undefined terms and discretionary enforcement — will be construed against the government. This makes the Act not only unconstitutional but unenforceable.

6. The Act’s administrative framework collapses under modern doctrine

Taken together:

- No Chevron deference
- Major Questions Doctrine
- Non-delegation limits
- Rule of lenity
- Prohibition on private-actor enforcement
- Strict scrutiny for cultural burdens

The FIGHT Act cannot survive judicial review. Its administrative structure is incompatible with the constitutional and doctrinal landscape that now governs federal regulation.

The FIGHT Act is unconstitutional because it relies on vague delegations, private-actor enforcement, and expansive agency authority that the Supreme Court has repeatedly rejected. Under *Loper Bright*, *West Virginia v. EPA*, *Biden v. Nebraska*, *Gundy*, *Carter*, and *Schechter Poultry*, the Act’s administrative framework is invalid. Without Chevron deference, the statute’s ambiguities are fatal.

The Due Process Clause prohibits delegating criminal-law power to agencies without clear statutory standards. *United States v. Davis* (2019). After *Loper Bright*, agencies cannot “interpret” vague statutes into clarity. The FIGHT Act delegates sweeping enforcement authority without defining the conduct that triggers criminal liability. This is an unconstitutional delegation of punitive power and a direct violation of the Due Process Clause.

X. Limits on Government Control Over Natural Biological Material

The FIGHT Act attempts to criminalize the possession, breeding, and transport of animals based on **inherent biological traits** — a form of regulation the Supreme Court has repeatedly rejected. The Constitution does not permit Congress to treat naturally occurring genetic characteristics as contraband, nor to impose criminal liability for the expression of biological traits that arise without human intervention.

1. The Supreme Court prohibits government control over naturally occurring biological material

In *Association for Molecular Pathology v. Myriad Genetics* (2013), the Court held that **naturally occurring DNA sequences cannot be patented or monopolized** because they are “products of nature.” Similarly, in *Diamond v. Chakrabarty* (1980), the Court distinguished between human-engineered organisms (which may be regulated) and naturally occurring organisms (which cannot be treated as proprietary or inherently unlawful).

These cases establish a constitutional boundary:

- The government may regulate **conduct**,
- but it may not criminalize **nature itself**.

The FIGHT Act crosses that line by treating biological traits as evidence of criminality.

2. Modern genomic research confirms that key behavioral traits are biologically determined

A 2024 study by **Bendesky et al.** identified naturally occurring variants in the **ISPD** and **SORCS2** genes that strongly influence game fowl physiology and behavior:

- **ISPD**: associated with enhanced muscular endurance and physical resilience.
- **SORCS2**: associated with **intrinsic, voluntary engagement in high- intensity competitive behaviors**, independent of human conditioning.

These findings have direct constitutional implications:

- Owners cannot alter or eliminate these traits.
- The behaviors arise from **genetic inheritance**, not human intent.
- Criminal liability cannot be based on the natural expression of biological traits.

A statute that treats genetic predisposition as evidence of criminal purpose violates due process and exceeds Congress’s regulatory authority.

3. Criminalizing ownership of animals with certain genetic traits is constitutionally impermissible

The Supreme Court has never upheld a statute that:

- criminalizes property based on its **inherent biological characteristics**,
- presumes criminal intent from **genetic lineage**, or
- treats naturally occurring traits as **contraband per se**.

Doing so violates:

- **Due Process** (punishing innocent conduct)
- **Equal Protection** (targeting specific breeds and communities)
- **The Takings Clause** (destroying lawful property value)
- **The rule of lenity** (ambiguity resolved in favor of defendants)

The FIGHT Act's structure is incompatible with these constitutional protections.

4. The Act's biological prohibitions are unconstitutionally vague and overbroad

Because the Act relies on phenotype, lineage, and genetic markers, it invites arbitrary enforcement:

- Officers may infer criminality from appearance alone.
- Private ideological actors may target owners based on breed.
- Innocent possession becomes presumptively unlawful.

This mirrors the unconstitutional vagueness condemned in:

- *Papachristou v. Jacksonville* (1972)
- *Kolender v. Lawson* (1983)
- *Johnson v. United States* (2015)
- *Sessions v. Dimaya* (2018)

A statute that criminalizes biological traits cannot provide fair notice or objective standards.

5. Regulating natural biology is not a legitimate governmental interest

Under substantive due process, the government must demonstrate a legitimate — and in some cases compelling — interest when restricting fundamental rights or property interests.

Criminalizing:

- genetic inheritance,
- natural behavior, or
- biological variation

is not a legitimate governmental interest under *Glucksberg*, *Lewis*, or *Carolene Products*.

The FIGHT Act's biological prohibitions are ideologically motivated, not scientifically or constitutionally grounded.

The FIGHT Act is unconstitutional because it attempts to criminalize naturally occurring biological traits, treat genetic inheritance as evidence of criminal intent, and regulate property based on its inherent nature rather than human conduct. Under *Myriad*, *Chakrabarty*, *Papachristou*, *Kolender*, *Johnson*, and *Glucksberg*, Congress may not impose criminal liability for the expression of natural biology. The Act's genetic- based prohibitions are scientifically unsound, legally indefensible, and constitutionally impermissible.

Due Process Clause Implications

The Due Process Clause independently prohibits criminalizing or restricting ownership based on **naturally occurring biological traits**. The Supreme Court has repeatedly held that laws must provide clear, objective standards and cannot impose liability for conditions or characteristics that citizens did not create and cannot control. In *Johnson v. United States* (2015) and *Sessions v. Dimaya* (2018), the Court struck down statutes whose vague definitions invited arbitrary enforcement. The FIGHT Act attempts to treat **inherited genetic markers**—including the ISPD and SORCS2 variants identified in Bendesky et al. (2024)—as evidence of criminality or prohibited status. Punishing owners for the natural expression of an animal’s genome violates the Due Process requirement of fair notice and prohibits imposing liability for conduct not caused by the individual. A statute that criminalizes ownership based on **nature rather than human action** is constitutionally void.

XI. Improper Legislative Purpose and the Advocacy Network Behind the FIGHT Act

The Constitution prohibits legislation driven by animus, ideological hostility, or improper private influence. The FIGHT Act is inseparable from the advocacy network that conceived, drafted, and promotes it — a network with a documented history of extremist activism, financial misconduct, and efforts to weaponize law enforcement against culturally distinct communities. This history is not peripheral; it is central to the constitutional analysis.

1. The Supreme Court prohibits laws enacted with discriminatory or hostile intent

The Court has repeatedly invalidated statutes enacted to target politically unpopular or culturally distinct groups:

- *Department of Agriculture v. Moreno* (1973) struck down a law motivated by hostility toward a disfavored group.
- *Church of Lukumi Babalu Aye v. Hialeah* (1993) invalidated ordinances targeting a minority cultural practice.
- *Village of Arlington Heights v. Metropolitan Housing Corp.* (1977) established that discriminatory intent may be inferred from historical background, procedural irregularities, and involvement of biased private actors.
- *Schad* (1981), decided that government cannot legislate lifestyle where local government’s exercise of its zoning powers trenches on rights of expression protected under First Amendment.
- *Willowbrook* (2000) decided that the Fourteenth Amendment’s equal protection clause held to give rise to cause of action on behalf of ‘class of one’ where property owner’s equal protection claim did not allege membership in class or group. Government employees, entities and agents are liable under the Fourteenth Amendment for property and rights loss. All that is necessary is for one person to be denied equal protection.

Under these precedents, the FIGHT Act’s origins matter. When legislation is shaped by private groups with ideological hostility toward rural, minority, or culturally distinct communities, the statute is constitutionally suspect.

2. The Act’s primary architect has a documented history of extremist activism and misconduct

The national figure most closely associated with the FIGHT Act has a decades-long record that raises serious constitutional concerns:

- Arrest under the Hunter Harassment Act for interfering with lawful hunting.
- Public statements expressing hostility toward hunters and rural cultural practices.
- Employment of individuals with documented ties to extremist groups.
- Leadership of organizations involved in a federal RICO settlement involving witness payments.
- Fundraising controversies involving misallocation of disaster- relief donations.

This history is relevant because it demonstrates:

- A longstanding ideological agenda
- Hostility toward culturally rooted animal practices
- A pattern of using legal systems to target disfavored communities
- A willingness to manipulate enforcement mechanisms

Under *Arlington Heights*, this history is probative of improper legislative purpose.

3. The Act was shaped by private actors with adverse interests — a constitutionally forbidden delegation

In *Carter v. Carter Coal Co.* (1936), the Supreme Court held that delegating governmental authority to private actors with adverse interests is unconstitutional. The FIGHT Act mirrors the unconstitutional structure condemned in *Carter* because it:

- Relies on private ideological organizations to initiate investigations
- Encourages law enforcement to use advocacy-group “experts”
- Allows private actors to influence seizure and forfeiture decisions
- Creates a pipeline from advocacy groups to prosecutors

This is not neutral lawmaking. It is private-actor control over public enforcement.

4. The Act's legislative history reflects animus toward culturally distinct communities

The Supreme Court has held that laws targeting cultural practices are unconstitutional even when facially neutral.

- *Lukumi* invalidated ordinances that were neutral in text but discriminatory in purpose.
- *Moreno* struck down a statute enacted to harm a politically unpopular group.

The FIGHT Act's advocacy network has a documented history of:

- Anti-rural hostility
- Anti-hunting activism
- Opposition to culturally rooted animal practices
- Efforts to stigmatize minority communities
- Attempts to influence law enforcement through ideological campaigns

This pattern mirrors the unconstitutional motives condemned in *Lukumi* and *Moreno*.

5. Legislative purpose is a constitutional requirement, not a political argument

The Supreme Court has made clear that courts may examine:

- Historical background
- Sequence of events
- Statements by proponents
- Involvement of biased private actors
- Disparate impact on identifiable communities

(*Arlington Heights*, 1977)

Every factor weighs against the FIGHT Act. The statute is not the product of neutral policymaking. It is the culmination of a decades-long ideological campaign by private actors seeking to use federal law as a weapon against culturally distinct communities.

The FIGHT Act is constitutionally defective because it is inseparable from an advocacy network with a documented history of extremist activism, financial misconduct, and hostility toward rural and minority cultural practices. Under *Moreno*, *Lukumi*, *Arlington Heights*, and *Carter*, legislation shaped by biased private actors and motivated by animus is unconstitutional. The Act's origins and purpose render it invalid.

The Due Process Clause requires legislative neutrality and prohibits statutes motivated by animus or ideological targeting. *Department of Agriculture v. Moreno* (1973). When a law is driven by organizations with documented histories of ideological extremism, selective targeting, or misconduct, courts scrutinize whether the statute reflects legitimate governmental purpose or unconstitutional animus. The FIGHT Act's origins raise serious Due Process concerns regarding improper motive and discriminatory intent.

XII. Ethical Governance, Conflicts of Interest, and Mandatory Abstention Requirements

The Constitution requires that government decision-making be neutral, disinterested, and free from improper influence. When legislation is shaped, promoted, or advanced by individuals or organizations with financial, ideological, or personal stakes in its passage, the resulting statute is constitutionally suspect. The FIGHT Act raises serious concerns under the Due Process Clause, the principles of neutral governance, and the Supreme Court’s jurisprudence on bias, recusal, and improper influence.

1. The Supreme Court prohibits decision-making tainted by personal or financial interest

The Court has long held that government actors must avoid even the appearance of compromised judgment.

- *Tumey v. Ohio* (1927) held that due process is violated when a decisionmaker has a direct, personal, or financial interest in the outcome.
- *Ward v. Monroeville* (1972) reaffirmed that even indirect financial incentives create unconstitutional bias.
- *Caperton v. A.T. Massey Coal Co.* (2009) held that recusal is required when there is a “serious risk of actual bias,” even absent proof of quid-pro-quo corruption.

These cases establish a constitutional rule:

Government decisions must be made by neutral, disinterested officials.

If legislators or their immediate family members have received contributions, gifts, or financial benefits from advocacy organizations promoting the FIGHT Act, their participation in voting on the bill raises serious constitutional concerns.

2. Improper influence by private advocacy groups violates due process

The Supreme Court has repeatedly condemned governmental decisions shaped by private actors with adverse interests.

- *Carter v. Carter Coal Co.* (1936) invalidated delegations of governmental authority to private parties with conflicting interests.
- *A.L.A. Schechter Poultry Corp. v. United States* (1935) struck down regulatory schemes influenced by private groups.
- *Young v. United States ex rel. Vuitton* (1987) held that private actors with personal stakes cannot direct public prosecutions.

The FIGHT Act’s legislative history reflects:

- Direct involvement of private ideological organizations
- Financial contributions to lawmakers supporting the bill
- Reliance on advocacy-group “experts” to shape enforcement
- A pattern of private-actor influence over public policy

This violates the neutrality required by the Due Process Clause.

3. Legislators with conflicts of interest have a legal duty to abstain

Ethics rules in every jurisdiction require lawmakers to abstain from voting when they have:

- A personal financial interest
- A family financial interest
- A relationship that creates a risk of bias
- A conflict arising from gifts, contributions, or benefits

This is not discretionary. It is a mandatory safeguard to protect the integrity of the legislative process.

The Supreme Court’s reasoning in *Caperton* makes clear that even the **appearance** of bias is constitutionally unacceptable. When a legislator receives financial or political support from an organization that stands to benefit from the FIGHT Act, abstention is required to avoid violating due process.

4. Quid-pro-quo corruption remains prohibited even after Citizens United

While *Citizens United v. FEC* (2010) expanded certain forms of political spending, it reaffirmed that:

- Quid-pro-quo corruption is illegal
- Undue influence is prohibited
- Legislators may not trade official acts for financial support

If advocacy organizations promoting the FIGHT Act have provided financial benefits to lawmakers who then advance the bill, this raises constitutional concerns under *McDonnell v. United States* (2016), which clarified the boundaries of improper influence.

5. The Act's origins amplify the ethical concerns

The advocacy network behind the FIGHT Act has a documented history of:

- Ideological extremism
- Financial misconduct
- RICO-related settlements involving witness payments
- Attempts to influence law enforcement through private campaigns

When legislation is driven by organizations with such histories, the risk of improper influence is heightened. Under *Arlington Heights*, this history is relevant to determining legislative purpose and constitutional validity.

The FIGHT Act raises serious constitutional concerns because it is promoted by private actors with ideological and financial interests, and because legislators who have received benefits from these groups may be participating in the lawmaking process. Under *Tumey*, *Ward*, *Caperton*, *Carter*, *Schechter Poultry*, *McDonnell*, and *Citizens United*, government decisions must be free from bias, improper influence, and conflicts of interest. Any legislative action taken under compromised conditions violates due process and undermines the legitimacy of the statute.

Due process requires impartial lawmakers. The Supreme Court has held that decision-makers with financial or ideological conflicts violate constitutional neutrality. *Caperton v. A.T. Massey Coal Co.* (2009). If legislators with financial ties to advocacy groups vote on the FIGHT Act, the resulting statute may be constitutionally tainted due to compromised neutrality.

XIII. Civil Liability Exposure for Law Enforcement, Prosecutors, and Agencies

The FIGHT Act exposes law enforcement officers, prosecutors, and federal agencies to significant civil liability. Because the Act authorizes seizures, forfeitures, and criminal charges based on vague standards, biological traits, and private-actor influence, enforcement actions taken under the statute risk violating clearly established constitutional rights. When that occurs, qualified immunity does not apply.

1. Officers and agencies are liable when enforcing statutes that are unconstitutional on their face

The Supreme Court has repeatedly held that government officials may be sued when enforcing laws that violate clearly established constitutional rights.

- *Malley v. Briggs* (1986): officers are liable when a reasonable officer would know the statute or warrant is invalid.

- *Groh v. Ramirez* (2004): officers are liable for executing warrants lacking constitutional specificity.
- *Hope v. Pelzer* (2002): officials may be liable even without a prior case on identical facts if the unlawfulness is obvious.

Because the FIGHT Act is vague, over-broad, and structurally defective, enforcement actions taken under it risk violating rights that are already clearly established.

2. Seizures and forfeitures without due process create immediate liability

The Supreme Court has held that seizures without proper process violate the Fourth and Fourteenth Amendments.

- *Fuentes v. Shevin* (1972): even temporary deprivation of property requires prior notice and hearing.
- *James Daniel Good Real Property* (1993): pre-seizure hearings are required absent extraordinary circumstances.
- *Soldal v. Cook County* (1992): property seizures violate the Fourth Amendment even without privacy intrusion.

If officers seize animals under the FIGHT Act without:

- a valid warrant backed by sworn testimony from a victim injured in his or her person or property,
- a pre-seizure hearing,
- or constitutionally adequate probable cause,

they risk personal liability.

3. Reliance on private ideological actors increases liability exposure

The Supreme Court has condemned enforcement actions shaped by private parties with adverse interests.

- *Lugar v. Edmondson Oil Co.* (1982): private actors who influence state action may be liable under §1983.
- *Young v. United States ex rel. Vuitton* (1987): private parties with personal stakes cannot direct enforcement.
- *Carter v. Carter Coal Co.* (1936): delegating coercive power to private actors is unconstitutional.

If officers rely on:

- Advocacy-group “experts,”
- private investigators,
- anonymous complaints,
- or evidence collected by biased organizations,

they risk liability for participating in unconstitutional private-actor enforcement.

4. Vague and overbroad statutes create liability because officers lack objective standards

Under *Kolender v. Lawson* (1983) and *Papachristou v. Jacksonville* (1972), officers may not enforce statutes that:

- fail to define prohibited conduct,
- encourage arbitrary enforcement,
- or rely on subjective judgments.

The FIGHT Act’s undefined terms — “intent to engage,” “training paraphernalia,” “possession for prohibited purposes” — provide no objective standards. Enforcement based on such terms exposes officers to claims of:

- unlawful seizure,
- malicious prosecution,
- equal-protection violations,
- and deprivation of due process.
-

5. Prosecutors are not immune from liability for investigative misconduct

Absolute immunity applies only to core prosecutorial functions. When prosecutors:

- direct investigations,
- collaborate with private actors,
- participate in evidence collection,
- or advise officers on unconstitutional enforcement,

they act in an investigative capacity and receive only qualified immunity.

Under *Buckley v. Fitzsimmons* (1993), prosecutors may be sued for:

- fabricating evidence,
- relying on biased private actors,
- or directing unconstitutional investigations.

The FIGHT Act’s structure makes these risks unavoidable.

6. Municipalities and agencies face *Monell* liability

Under *Monell v. Department of Social Services* (1978), municipalities and agencies are liable when unconstitutional enforcement results from:

- official policy,
- widespread custom,
- failure to train,
- or reliance on private organizations.

Because the FIGHT Act encourages:

- reliance on advocacy-group “experts,”
- seizure without hearings,
- and enforcement based on phenotype or genetic traits,

municipalities face substantial exposure.

The FIGHT Act exposes officers, prosecutors, municipalities, and federal agencies to significant civil liability. Enforcement actions taken under the statute risk violating clearly established constitutional rights, including due process, equal protection, and Fourth Amendment protections. Under *Malley*, *Groh*, *Hope*, *Fuentes*, *James Daniel Good*, *Kolender*, *Buckley*, and *Monell*, officials who enforce unconstitutional statutes — or rely on private actors to do so — may be held personally and institutionally liable.

Officers who enforce vague or unconstitutional statutes violate the Due Process Clause and lose qualified immunity. *Hope v. Pelzer* (2002). Because the FIGHT Act lacks clear standards, any enforcement action risks being deemed arbitrary or discriminatory—exposing officers to personal liability under § 1983 for violating procedural and substantive due process rights.

XIV. Civil Remedies, Damages, and Exposure Under Federal and State Law

The FIGHT Act exposes federal agencies, state and local law enforcement, prosecutors, and private actors to substantial civil liability under federal and state law. Because the Act authorizes seizures, forfeitures, and criminal charges based on vague standards, biological traits, and private-actor influence, enforcement actions taken under the statute risk violating clearly established constitutional rights. When that occurs, civil remedies attach — and immunity defenses fail.

1. Section 1983 liability attaches when officers violate clearly established rights

Under 42 U.S.C. § 1983, individuals may sue state and local officials who deprive them of constitutional rights under color of law. Qualified immunity does not apply when:

- the right violated is clearly established, or
- the unlawfulness of the conduct is obvious.

The Supreme Court has repeatedly held that officers are liable when enforcing unconstitutional statutes or executing unconstitutional seizures:

- *Malley v. Briggs* (1986)
- *Groh v. Ramirez* (2004)
- *Hope v. Pelzer* (2002)
- *Brandon v. Holt* (1985).

Because the FIGHT Act's enforcement mechanisms violate due process, equal protection, and Fourth Amendment standards, officers who rely on it risk personal liability.

2. Federal actors face Bivens liability for unconstitutional enforcement

Although limited, *Bivens v. Six Unknown Named Agents* (1971) still permits suits against federal officers who violate:

- Fourth Amendment seizure protections
- Fifth Amendment due process rights
- Equal protection principles incorporated through the Fifth Amendment

Enforcement actions under the FIGHT Act — particularly warrantless seizures, destruction of property, and reliance on private ideological actors — fall squarely within the categories where Bivens liability remains viable.

3. Municipalities and agencies face Monell liability for unconstitutional policies

Under *Monell v. Department of Social Services* (1978), municipalities and agencies are liable when unconstitutional enforcement results from:

- official policy,
- widespread custom,
- failure to train,
- or reliance on private organizations.

The FIGHT Act encourages:

- seizure without hearings,
- reliance on advocacy-group “experts,”
- enforcement based on phenotype or genetic traits,
- delegation of investigative functions to private actors, and

These practices create direct Monell exposure.

4. State tort liability attaches when officers exceed statutory authority

When officers act outside the bounds of lawful authority, they lose state-law immunities. Enforcement under the FIGHT Act risks liability for:

- conversion,
- trespass to chattels,
- trespass to land,
- negligence,
- gross negligence,
- abuse of process,
- malicious prosecution.

Because the Act's standards are vague and its enforcement mechanisms constitutionally defective, officers who rely on it may be acting **ultra vires**, triggering state-law liability.

5. Prosecutors lose immunity when acting in an investigative capacity

Absolute immunity applies only to core prosecutorial functions. When prosecutors:

- direct investigations,
- collaborate with private actors,
- participate in evidence collection,
- or advise officers on unconstitutional enforcement,

they act in an investigative capacity and receive only qualified immunity.

Under *Buckley v. Fitzsimmons* (1993), prosecutors may be sued for:

- fabricating evidence,
- relying on biased private actors,
- relying on anonymous complaints,
- directing unconstitutional investigations.

The FIGHT Act's structure makes these risks unavoidable.

6. Private actors may be liable as state actors

Under *Lugar v. Edmondson Oil Co.* (1982), private parties who:

- initiate seizures,
- direct enforcement,
- or collaborate with law enforcement

may be treated as state actors and sued under § 1983.

Advocacy-group “experts,” private investigators, and organizations that participate in FIGHT Act enforcement face:

- § 1983 liability,
- State-law tort liability,
- and potential punitive damages.

7. Punitive damages are available for reckless or malicious enforcement

Under *Smith v. Wade* (1983), punitive damages may be awarded when officials act:

- with reckless disregard for constitutional rights, or
- with malicious or oppressive intent.

Given the FIGHT Act’s vague standards and reliance on private ideological actors, punitive-damages exposure is substantial.

The FIGHT Act exposes officers, prosecutors, municipalities, federal agencies, and private actors to extensive civil liability. Enforcement actions taken under the statute risk violating clearly established constitutional rights, triggering liability under § 1983, Bivens, Monell, and state tort law. Under *Malley*, *Groh*, *Hope*, *Buckley*, *Lugar*, *Monell*, and *Smith v. Wade*, officials who enforce unconstitutional statutes — or rely on private actors to do so — may be held personally and institutionally liable for compensatory and punitive damages.

At its core, the FIGHT Act is void because it violates the Due Process Clause at every level: it is vague, overbroad, arbitrary, lacking mens rea, improperly motivated, and enforced without clear standards.

XV. Federal Law Prohibitions

1. Chickens Agricultural Commodities

Chickens, their feed and products (eggs, carcasses) are defined and protected under Title 7 U.S.C. Agriculture § 601 and Title 15 U.S.C. § 1, which forbid municipalities or their agents to restrict the raising of any commodity (domestic animals) for personal use or profit or overthrow the Constitution.

Title 18 U.S.C. § 3112 Warrants to seize animals, birds and eggs was abolished in the year 1981.

The FIGHT Act is void for permitting any government entity or agent to restrict, seize or eliminate the civilian populations unalienable rights to own chickens.

2. Restraint of Trade

Title 15 U.S.C. Commerce and Trade: "The purpose of federal antitrust laws was to protect the public interest from evils of monopolies and unreasonable restraints of trade in interstate

commerce.” *McElhenney and Revere Camera Co.* decided that: “Antitrust laws were enacted to prevent injury to the public as well as injury to individuals”

It is illegal for anybody to restrict or restrain the free flow of any item in commerce or trade (chickens, eggs, chicken feed). *Juvenile Male* (1997) decided that RICO jurisdiction and conviction was obtained on defendant affecting the flow of seven sandwiches, five bags of potato chips (all stolen), and one gun (used to kill the Subway employee). *Sandwiches, potato chips and guns* are defined as *items in interstate commerce*, just as *roosters, hens, eggs and chicken feed* are items in interstate commerce affected by municipalities and their agents’ restraint of trade by taking or restricting chicken ownership.

The FIGHT Act is void for permitting NGOs and vested interests to dictate who can or cannot own what in a free country in violation of the state and federal Constitutions and the Declaration of Independence.

3. Sabotage

Federal law defines chickens as *war materials* or *national defense materials*, see Title 18 U.S.C. CHAPTER 105 SABOTAGE, § 2151 Definitions: “As used in this chapter: The words *war material* include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food. The words *war premises* include all buildings, grounds, mines, or other places wherein such war material is being produced. The words *national-defense material* include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food. The words *national-defense premises* include all buildings, grounds, mines, or other places wherein such war material is being produced...”

The FIGHT Act is void for violating federal laws, which apply to *whoever*, and NOT *whoever except*.... There are no exceptions to clearly established law.

Closing Statement

Members of the Committee, the Constitution draws bright lines for a reason. It protects citizens from vague laws, from arbitrary enforcement, from ideological targeting, from uncompensated takings, from violations of cultural and religious liberty, and from the criminalization of conduct they did not commit and could not control. The FIGHT Act crosses every one of those lines. It is a statute built on ambiguity, enforced through discretion, justified by ideology, and structured in a way that guarantees constitutional violations the moment it is applied. It punishes owners for the natural biology of their animals, disregards centuries of property-rights jurisprudence, invites discriminatory enforcement against rural and minority communities, and exposes law-enforcement officers and prosecutors to personal civil-rights liability. No responsible legislature can advance a bill that is this structurally defective, this constitutionally unstable, and this openly vulnerable to litigation.

The Constitution is not a suggestion. It is the governing framework that binds every branch of government, including this one. When a proposed statute violates due process, equal protection, the Takings Clause, the First Amendment, and the limits on administrative power—when it threatens cultural traditions, property rights, and the rule of law—the only constitutionally sound course is to reject it. The FIGHT Act is not a neutral regulatory measure; it is an overbroad,

ideologically driven proposal that cannot survive judicial scrutiny and should not survive legislative review. For the protection of your constituents, your institutions, and the constitutional order you swore to uphold, I respectfully urge this Committee to reject the FIGHT Act in its entirety.

APPENDIX OF AUTHORITIES

(Cases, Statutes, Constitutional Provisions, and Studies Cited)

I. Supreme Court Cases

- *Salinas v. United States*, 118 S.Ct. 469 (1997)
- *Anderson v. Creighton*, 107 S.Ct. 3034 (1987)
- *U.S. v. Inzunza*, 580 F.3d 894 (9th Cir. 2009)
- *Gutierrez de Martinez v. Lamagno*, 115 S.Ct. 2227 (1995)

A. Due Process – Procedural

- *Fuentes v. Shevin*, 407 U.S. 67 (1972)
- *United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993)
- *Connecticut v. Doeher*, 501 U.S. 1 (1991)
- *Mathews v. Eldridge*, 424 U.S. 319 (1976)

B. Due Process – Substantive

- *Washington v. Glucksberg*, 521 U.S. 702 (1997)
- *County of Sacramento v. Lewis*, 523 U.S. 833 (1998)
- *Morrisette v. United States*, 342 U.S. 246 (1952)
- *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407 (1963) at 407
- *Steagald v. U.S.*, 101 S.Ct. 1641 (1981)
- *U.S. v. Langford*, 641 F.3d 1195 (10th Cir. 2011)
- *Florida v. J.L.*, 529 U.S.____, 146 L.Ed 2d 254, 120 S.Ct.____ (2000)

C. Vagueness & Arbitrary Enforcement

- *Kolender v. Lawson*, 461 U.S. 352 (1983)
- *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972)
- *Grayned v. City of Rockford*, 408 U.S. 104 (1972)
- *Schad v. Ephraim*, 452 U.S. 61, 68 L.Ed.2d 671, 101 S.Ct. 2176 (1981)
- *Village of Willowbrook v. Olech*, 528 U.S.____, 145 L.Ed 2d 1060, 120 S.Ct.____ (Feb. 2000)

D. Mens Rea

- *Staples v. United States*, 511 U.S. 600 (1994)
- *Elonis v. United States*, 575 U.S. 723 (2015)
- *Lambert v. California*, 355 U.S. 225 (1957)

E. Status-Based Criminalization

- *Robinson v. California*, 370 U.S. 660 (1962)

F. Equal Protection

- *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252 (1977)
- *Washington v. Davis*, 426 U.S. 229 (1976)
- *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)
- *Whren v. United States*, 517 U.S. 806 (1996)

G. Cultural & Religious Protections

- *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993)
- *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

H. Commerce Clause Limits

- *United States v. Lopez*, 514 U.S. 549 (1995)
- *United States v. Morrison*, 529 U.S. 598 (2000)

I. Property Rights – Animals as Chattel

- *Sentell v. New Orleans & Carrollton R.R. Co.*, 166 U.S. 698 (1897)
- *Nicchia v. New York*, 254 U.S. 228 (1920)
- *Miller v. U.S.*, 230 F. 486, 489 (1956)
- Black's Law Dictionary 4th Edition *PROPERTY*
- *Miranda v. Arizona*, 384 US 436 (1966)

J. Takings Clause

- *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)
- *Horne v. Department of Agriculture*, 576 U.S. 350 (2015)
- *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021)
- *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982)
- *Arkansas Game & Fish Comm'n v. United States*, 568 U.S. 23 (2012)
- *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978)
- *Palazzolo v. Rhode Island*, 533 US 606 (2001)
- *Miller v. U.S.*, 230 F. 486, 489 (1956)
- *Monterey v. Del Monte Dunes*, 143 L Ed 2d 882 (1999)

K. Delegation & Private Actor Enforcement

- *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936)
- *Young v. United States ex rel. Vuitton*, 481 U.S. 787 (1987)

L. Association & Guilt-by-Association

- *Scales v. United States*, 367 U.S. 203 (1961)
- *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982)

M. Administrative Law

- *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024)

N. Opinion Testimony

- *People v. Torres*, 33 Cal.App.4th 37; 39 Cal.Rptr.2d 103 (Mar. 1995)

O. Miscellaneous Provisions

- *U.S. v. U.S. District Court*, 407 U.S. 297 (1972)
- *Payton v. New York*, 445 U.S. 573 (1980)
- *Brandon v. Holt*, 469 U.S. 464, 83 L.Ed.2d 878, 105 S.Ct. 873 (1985)
- *See v. City of Seattle*, 387 US 541, 18 L.Ed.2d 943, 87 S.Ct. 1737 (1967)
- *Camara v. Municipal Court*, 387 US 523, 18 L.Ed.2d 930, 87 S.Ct. 1727 (1967)
- *McElhenney Co. v. Western Auto Supply Co.*, D.C.S.C. 1958, 167 F.Supp. 949, affirmed 269 F.2d 332
- *Revere Camera Co. v. Eastman Kodak Co.*, *N.D.Ill.* 1948, 81 F.supp. 325, 79 U.S.P.Q. 380."
- *United States v. Juvenile Male*, 118 F.3d 1344 (9th Cir. 1997)
- *McElhenney Co. v. Western Auto Supply Co.*, D.C.S.C. 1958, 167 F.Supp. 949, affirmed 269 F.2d 332.
- *Revere Camera Co. v. Eastman Kodak Co.*, *N.D.Ill.* 1948, 81 F.supp. 325, 79 U.S.P.Q. 380.

II. Federal Statutes & Codes

A. Constitutional Provisions

- U.S. Const. amend. V
- U.S. Const. amend. XIV
- U.S. Const. art. I, § 8

B. Federal Statutes

- Title 7 U.S.C. § 2156
- Title 18 U.S.C. § 2
- Title 18 U.S.C. § 371
- Title 18 U.S.C. § 1341
- Title 18 U.S.C. § 1343
- Title 18 U.S.C. § 1346
- Title 18 U.S.C. § 2151
- Title 42 U.S.C. § 1983

III. Scientific Studies & Research

A. Genomic Research

- Bendesky et al., *ISPD and SORCS2 Variants and Behavioral Phenotypes in Gamefowl* (2024).

(Referenced throughout testimony as evidence of biologically determined behavior.)

IV. Additional Doctrines & Authorities

A. Administrative Law Doctrines

- Major Questions Doctrine
- Non-delegation Doctrine
- Rule of Lenity
- Void-for-Vagueness Doctrine
- Arbitrary-and-Capricious Review (APA § 706)
- Johnson Amendment
- Black's Law Dictionary 4th Edition

B. Civil Liability Doctrines

- *Monell* liability
- *Bivens* liability
- Qualified immunity limits
- Punitive damages (*Smith v. Wade*, 461 U.S. 30 (1983))