

July 15, 2021

Vice Admiral John V. Fuller  
 Office of the Naval Inspector General

Via e-mail: [NAVIGHotlines@navy.mil](mailto:NAVIGHotlines@navy.mil)

Dear Vice Admiral Fuller:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) and its more than 6.5 million members and supporters worldwide to urge you to investigate and pursue appropriate sanctions in accordance with the Uniform Code of Military Justice (UCMJ), Articles 133-134, 10 U.S.C. §§ 933-934, against officers responsible for and military personnel participating in the cruel and unnecessary killing of animals in the annual joint military exercise known as Cobra Gold. Cobra Gold is conducted by multinational military forces, including, inter alia, the U.S. Marine Corps, which is administered by the U.S. Navy. PETA is submitting this complaint and calling on your office to fulfill its role as “*the conscience of the Navy*,” ensuring that it “maintain[s] the highest level of integrity and public confidence.”<sup>1</sup>

During Cobra Gold, Marines in Thailand kill chickens with their bare hands, skin and eat live geckos, and decapitate king cobras—a species vulnerable to extinction—in order to drink their blood as part of what the Marine Corps promotes, in some instances, as training in food procurement and, in other instances, as a camaraderie-building exercise. These acts, even if conducted for the purposes asserted by the military, are completely unnecessary, because proven effective alternatives to the use of live animals are available for the purported purpose of training in food procurement, and camaraderie-building is easily achieved through other activities associated with Cobra Gold that do not require members of the Marine Corps to engage in acts of gratuitous cruelty that reflect poorly on the Navy.

The manner in which these animals are mutilated and killed causes extreme and unjustified suffering that would subject participants to

<sup>1</sup>Office of the Naval Inspector General, <https://www.secnav.navy.mil/ig/Pages/default.aspx> (last visited July 15, 2021).

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PETA FOUNDATION IS AN  
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 TO SUPPORT ANIMAL PROTECTION.

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prosecution for criminal cruelty to animals in the vast majority of jurisdictions in the U.S. and therefore falls under the UCMJ's prohibition of acts "to the prejudice of good order and discipline in the armed forces" and "conduct of a nature to bring discredit upon the armed forces." In addition, commissioned officers who order troops to undertake this disreputable and unlawful activity have participated in "conduct unbecoming an officer and a gentleman," in violation of Article 133.

PETA requests that you investigate this matter and take any and all appropriate enforcement actions, including sanctioning officers who ordered the use of live animals in this manner.

## ANALYSIS

Cobra Gold is the largest joint military exercise in Southeast Asia and is sponsored by Thailand and the U.S.<sup>2</sup> During Cobra Gold, Marines in Thailand kill chickens with their bare hands, consume live geckos, and behead king cobras to drink their blood.<sup>3</sup> While the exercise masquerades as training in food procurement, its true purpose appears to be part of a larger effort to build camaraderie among the troops through conduct that is unnecessary to their survival and inflicts unjustified pain and suffering on animals, in contravention of state laws criminalizing cruelty to animals.

### I. The Use of Live Animals in Cobra Gold Violates UCMJ Article 134

Article 134 of the UCMJ states the following:

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at

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<sup>2</sup>Dylan Gresik, *PETA Demands Marines Stop Drinking Cobra Blood, Eating Live Animals*, MARINE CORPS TIMES (Mar. 5, 2020), <https://www.marinecorpstimes.com/news/your-marine-corps/2020/03/05/peta-demands-marines-stop-drinking-cobra-blood-eating-live-animals/>.

<sup>3</sup>James Gordon, *Welcome to the Jungle: US Marines Drink the Blood of Beheaded Cobras and Chomp on Tarantulas and Scorpions as They Learn Survival Skills During Wargame Exercises in Thailand*, DAILY MAIL (Mar. 1, 2020), <https://www.dailymail.co.uk/news/article-8063555/US-Marines-war-games-exercise-teaches-survive-Thai-jungle.html>; *Coronavirus: US Marines Learn Jungle Survival in Thailand as Exercises Go Ahead Despite Epidemic*, SOUTH CHINA MORNING POST (Mar. 5, 2020), <https://www.youtube.com/watch?v=IJ3MMseHCnE&feature=youtu.be>; Isaac Ibarra, *Survival, Spiders and Cobras in Thailand*, MARINES (Feb. 18, 2015), <https://www.marines.mil/News/News-Display/Article/566398/survival-spiders-and-cobras-in-thailand/>.

the discretion of that court. As used in the preceding sentence, the term “crimes and offenses not capital” includes any conduct engaged in outside the United States [under 18 U.S.C. § 5] that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States [under 18 U.S.C. § 7].

10 U.S.C. § 934.

The Manual for Courts-Martial of the United States (the Manual) explains that “[d]iscredit” means “to injure the reputation of” and that this provision “makes punishable conduct which has a tendency to bring the service into disrepute or which tends to lower it in public esteem.”<sup>4</sup> The Manual goes on to explain that “[a]cts in violation of a local civil law or a foreign law may be punished if they are of a nature to bring discredit upon the armed forces.”<sup>5</sup>

*i. The Mutilation and Killing of Animals Serves No Practical Training Purpose*

The senseless tormenting of live animals during Cobra Gold undoubtedly injures the reputation of the Navy and diminishes the service in the eyes of the public. While the military attempts to justify these activities as a means of building survival skills and teaching troops how to procure sustenance in nature, this explanation is a thinly veiled excuse for engaging in fraternity-style hazing. For years, the media has captured photos and videos at Cobra Gold of Marines cheering as blood from beheaded snakes spurts across their faces and smiling impishly with body parts of dismembered animals hanging out of their mouths.<sup>6</sup> This “training” does not appear to include instruction on locating and

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<sup>4</sup>Manual for Courts-Martial United States, Dep’t of Def., ¶ 91(c)(3) (2019), [https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610).

<sup>5</sup>*Id.*

<sup>6</sup>Gordon, *supra* note 3; SOUTH CHINA MORNING POST (Mar. 4, 2020), *supra* note 3; Ibarra, *supra* note 3; Hope Hodge Seck, *Marines Guzzle Snake Blood Once Again in Gnarliest Training Exercise* (Feb. 20, 2019), <https://www.military.com/daily-news/2019/02/20/marines-guzzle-snake-blood-once-again-gnarliest-training-exercise.html>; Dylan Gresik, *PETA Demands Marines Stop Drinking Cobra Blood, Eating Live Animals*, MARINE CORPS TIMES (Mar. 5, 2020), <https://www.marinecorpstimes.com/news/your-marine-corps/2020/03/05/peta-demands-marines-stop-drinking-cobra-blood-eating-live-animals/>; Dave Burke, *Soldiers Tear Snakes Faces Off and Drink Their Blood in Bizarre Ritual*, MIRROR (Mar. 3, 2020), <https://www.mirror.co.uk/news/world-news/soldiers-tear-snakes-faces-drink-21627043>; *Wild Photos Show US Marines Munching on Scorpions and Washing Them Down With Snake Blood as They Learn to Survive in the Jungle*, BUSINESS INSIDER INDIA (Mar. 3, 2020), <https://www.businessinsider.in/slideshows/miscellaneous/wild-photos-show-us-marines-munching-on-scorpions-and-washing-them-down-with-snake-blood-as-they-learn-to-survive-in-the-jungle/slidelist/74449353.cms>.

capturing the animals, which may present more of a challenge than killing them.<sup>7</sup> Instead, for example, cobras are captured in advance of the event and apparently decapitated by senior Thai personnel, who then offer the blood to participants, stripping the process of any semblance of survival training. And presumably, nonvenomous reptiles and other animals are more prevalent and less dangerous to restrain than venomous ones like cobras. Therefore, it is unclear why cobras and other venomous animals are a part of this exercise, unless the purpose is merely to add “color” and, in the case of the cobra, draw attention to the name of the event in a display of machismo that serves no practical purpose. Rather than exemplifying the resourcefulness and intelligence for which the Marines are known, this portion of Cobra Gold casts the Marines in a light suffused with bloodlust and barbarism.

Furthermore, while the Department of Defense (DOD) endeavors to pass off dismembering and swallowing body parts of live geckos and other animals as well as drinking blood from the bodies of decapitated cobras as necessary for acquiring essential survival skills, the Marine Corps repeatedly refers to the exercise as a camaraderie-building activity and a “time honored tradition” that purportedly cements the relationship between U.S. troops and the other participants.<sup>8</sup> Captain Ryan Poitras, a joint terminal attack controller with the 31<sup>st</sup> Marine Expeditionary Unit, describes Cobra Gold as follows: “Whether it’s over drinking cobra blood together, coordinating fire support, or just sharing a meal in the field, every year Marines make friendships at every level [while participating in Cobra Gold], and strengthen the bond that the U.S. has with Thailand.”<sup>9</sup> Other admissions by the DOD about the non-survival-training function of the exercise include an article by Marine Corporal Isaac Ibarra stating that the “intended effect” of drinking cobra blood is “by some accounts . . . to instill bravery.”<sup>10</sup> As Poitras’ statement confirms, non-animal activities could achieve the goal of bringing troops together.<sup>11</sup> Notably, as recently as 2017, the DOD acknowledged that the focus of Cobra Gold has shifted away from “tactical training” to “civic action programs such as humanitarian assistance and disaster relief,” further undermining the

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<sup>7</sup>For example, cobras of all species are notoriously shy and extremely difficult to locate in their natural habitat. Even trained herpetologists fail more often than not. See *King Cobra*, NATIONAL GEOGRAPHIC <https://www.nationalgeographic.com/animals/reptiles/k/king-cobra/> (last visited July 15, 2021). During Cobra Gold, Thai soldiers supply the snakes to American troops in a box, already captured. See *Ibarra, supra note 3*.

<sup>8</sup>E.g., Jonathan Coronel, *Cobra Gold 20: Thai, US Marines Strengthen Bonds for Another Year*, U.S. Marine Corps (Mar. 9, 2020), <https://www.marines.mil/News/News-Display/Article/2105579/cobra-gold-20-thai-us-marines-strengthen-bonds-for-another-year/>; see also Marc Castaneda, *Cobra Gold 2017 Officially Kicks Off in Thailand*, U.S. Marine Corps (Feb. 14, 2017), <https://www.marforpac.marines.mil/News/News-Article-Display/Article/1084530/cobra-gold-2017-officially-kicks-off-in-thailand/>; Jean Lotus, *PETA: U.S. Marines Drinking Cobra Blood, Eating Live Wildlife Risk Disease*, UPI (Apr. 27, 2020), [https://www.upi.com/Top\\_News/US/2020/04/27/PETA-US-Marines-drinking-cobra-blood-eating-live-wildlife-risk-disease/2081588015338/](https://www.upi.com/Top_News/US/2020/04/27/PETA-US-Marines-drinking-cobra-blood-eating-live-wildlife-risk-disease/2081588015338/).

<sup>9</sup>Coronel, *supra* note 8.

<sup>10</sup>*Ibarra, supra* note 7.

<sup>11</sup>Coronel, *supra* note 8.

DOD's assertion that training in food procurement is integral to and the goal of the exercise.<sup>12</sup>

ii. *Alternatives to Using Live Animals Are Readily Available*

Even if these purported food procurement exercises actually served their stated purpose, there is no shortage of available training methods that do not require the use of live animals. For example, in the book *Primitive Wilderness Skills, Applied & Advanced*, the authors—who trained U.S. Army Survival Evasion Resistance and Escape (SERE) instructors—explain how to obtain food in nature.<sup>13</sup> Gretchen Cordy, a former Air Force survival instructor, hosts an instructional wilderness survival video series called *Prepared to Survive*.<sup>14</sup> And with the advent of technology, virtual reality platforms are commonly used to train personnel in a variety of skills and across all sectors, including the military. For example, SERE specialists are already using virtual reality to prepare Air Force pilots for worst-case scenarios and the Navy has been using virtual reality platforms to train infantry Marines since 2011.<sup>15</sup> Surely, the Navy could take a similar route if there truly is concern that Marines stranded in the jungle would be unable to identify and secure adequate food to survive. Furthermore, many non-animal food sources are available in jungle environments.<sup>16</sup> The availability of alternatives that don't involve smearing cobra blood across Marines' faces reinforces the idea that killing these animals involves unnecessary bravado that doesn't equip troops with actual survival skills.

Clearly, the abuse inflicted on animals during Cobra Gold is ritualistic rather than instructive and calls into question two core values that all Marines are expected to exhibit and take great pride in: honor, which is defined in part by the Marine Corps as “the quality that empowers Marines to exemplify the ultimate in ethical and moral behavior,” and courage, which is defined in part as the “moral ... strength ingrained in Marines ... to do what is right, to adhere to a higher standard of personal conduct.”<sup>17</sup> Participation in unnecessary acts of cruelty to animals betrays those values and makes it seem that the military has given in to bloodlust and lost all sense of decency.

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<sup>12</sup>Castaneda, *supra* note 8.

<sup>13</sup>John McPherson & Geri McPherson, *Primitive Wilderness Skills, Applied & Advanced* (2001).

<sup>14</sup>Gretchen Cordy, et al., *Prepared to Survive* (2005).

<sup>15</sup>Military.com, *Infantry Marines Train With Virtual Reality Technology* (Mar. 9, 2016), <https://www.military.com/video/forces/marine-corps-training/infantry-marines-train-with-virtual-reality-technology/4793876222001>.

<sup>16</sup>James Gordon, *Welcome to the Jungle: US Marines Drink the Blood of Beheaded Cobras and Chomp on Tarantulas and Scorpions as They Learn Survival Skills During Wargame Exercises in Thailand*, DAILY MAIL (Mar. 1, 2020), <https://www.dailymail.co.uk/news/article-8063555/US-Marines-war-games-exercise-teaches-survive-Thai-jungle.html>.

<sup>17</sup>U.S. Marines, *Human Resources and Organizational Management*, MARINES, <https://www.hqmc.marines.mil/hrom/New-Employees/About-the-Marine-Corps/Values/> (last visited July 15, 2021).

iii. *The Military Does Not Tolerate Cruelty to Animals*

Precedent exists for sanctioning service members who engage in cruelty to animals. For instance, case law clearly demonstrates that cruelty to animals may serve as the basis for the conviction of a member of the armed forces under Article 134. *See United States v. Kerns*, 75 M.J. 783, 785-86, 795 (A.F. Ct. Crim. App. 2016) (affirming the conviction of an airman first class under Article 134 for bringing discredit upon the armed forces for, inter alia, killing his wife's cat); *United States v. Hill*, No. NMCCA 201500162, 2015 WL 7294505, at \*1 (N.M. Ct. App. Nov. 19, 2015) (affirming conviction of an aviation maintenance person under Article 134 for "two specifications of cruelty to animals").

iv. *The Use of Live Animals in Cobra Gold Violates State Statutes Criminalizing Cruelty to Animals*

The fact that mutilating and killing cobras, geckos, chickens, and tarantulas runs afoul of laws in most states that punish cruelty to animals reinforces that these unlawful acts tarnish the image of the armed forces, diminishing its reputation, especially in light of the Manual's clarification that acts in violation of a local law may be punished under Article 134.<sup>18</sup> Indeed, Article 134 "punishes . . . conduct 'which is or generally has been recognized as illegal under the common law or under most statutory criminal codes'" because "such activity, by its unlawful nature, tends to prejudice good order or to discredit the service." *U.S. v. Conliffe*, 67 M.J. 127, 133-34 (C.A.A.F. 2009) (quoting *United States v. Davis*, 26 M.J. 445, 448 [C.M.A.1988]). For instance, under Virginia law, any person who "tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal" or "willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal" is guilty of a Class 1 misdemeanor, an offense punishable by up to one year in prison and/or a \$2,500 fine. Va. Code Ann. §§ 3.2-6570; § 18.2-11. Under this statute, "[a]nimal" includes "any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner." *Id.* § 3.2-6500. Across the country, state cruelty-to-animals statutes are similar in scope to the statute cited above, with minor and mostly irrelevant differences, except that in a number of jurisdictions, the cruelty perpetrated against the tarantulas would also be prosecutable. With regard to snakes, in particular, it's important to note that they can remain sensible to pain for up to an hour following decapitation, meaning that the way they are used in Cobra Gold can lead to extended

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<sup>18</sup>*See* Manual for Courts-Martial United States, Dep't of Def., ¶ 91(c)(3) (2019), [https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610); *State Animal Anti-Cruelty Laws*, Animal Legal & Historical Center, Michigan State University College of Law, <https://www.animallaw.info/content/state-animal-anti-cruelty-laws> (last visited July 15, 2021).

periods of suffering.<sup>19</sup> Consequently, if these service members were to commit or in any way participate in furthering these same acts while in Virginia or most other states, they would be guilty of at least a misdemeanor (and in many jurisdictions, a felony). Conduct that amounts to a crime without any extenuating circumstances, such as to protect others or their country or for any other useful purpose at all, certainly reflects poorly on the members of the armed services, who should serve as models of law-abiding citizens.

## II. The Use of Live Animals in Cobra Gold Violates UCMJ Article 133

Article 133 states that “[a]ny commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.” 10 U.S.C. § 933. The test for whether an officer has violated Article 133 is “whether the conduct has fallen below the standards established for officers.” *Conliffe*, 67 M.J. at 132. The Manual explains:

Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer’s character as a gentleman .... There are certain moral attributes common to the ideal officer and the perfect gentleman, a lack of which is indicated by acts of ... lawlessness ... or cruelty.<sup>20</sup>

Thus, the Manual specifically recognizes that cruelty is an act that degrades the status of an officer in and of itself. Furthermore, as with Article 134, conduct that is illegal constitutes a violation of Article 133, as officers, who are expected to serve as models not only to citizens at large but also to lower-ranking service members, in particular, should be expected to abide by widely applicable laws, which reflect social norms and expectations. *See U.S. v. Means*, 10 M.J. 162, 166 (C.M.A. 1981) (explaining that “commissioned officers have for many purposes been set apart from other groups. Since officers have special privileges and hold special positions of honor, it is not unreasonable that they be held to a high standard of accountability”). In addition, courts have found that an officer’s act of simply soliciting another person to violate a statute “is disgraceful and dishonorable conduct” in and of itself in violation of Article 133, “without regard for the nature of the statute (that is, what it prohibits),” *U.S. v. Bilby*, 39 M.J. 467, 470 (1994) (citing *Parker v. Levy*, 417 U.S. 733, 761 (1974)), and “[i]t is not necessary, under Article 133, that the conduct of the officer, itself, otherwise be a crime,” *id.* (citing *United States v. Taylor*, 23 MJ 314, 318 (CMA 1987)). As a result, the officers’ actions during Cobra Gold of directing

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<sup>19</sup>Melissa Kaplan, *Decapitation of Reptiles* (1997), <http://www.anapsid.org/decap.html> (citations omitted) (“Decapitation should not be used as a sole method of euthanasia, unless the brain is destroyed by pithing immediately afterwards. The assumption that decapitation results in unconsciousness followed by a rapid deterioration of the nervous system is disputed: the brain remains viable for up to an hour.”)

<sup>20</sup>Manual for Courts-Martial United States, Dep’t of Def., ¶ 90(c)(2) (2019), [https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610).


lower-ranked service members to engage in cruelty to animals in contravention of state law amount to a violation of Article 133. *See United States v. Myer*, ARMY 20160490, WL 194633, at \*3 (A. Ct. Crim. App. Jan. 10, 2019) (citing *United States v. Vaughan*, 58 M.J. 29, 31 C.A.A.F. 2003), explaining that state laws can serve as notice that conduct violates Article 133. Participating in or facilitating the participation of others in activities such as decapitating and otherwise mutilating live animals in contravention of widespread laws condemning cruelty to animals can hardly be said to be behavior befitting an officer or a gentleperson.

### CONCLUSION

Please fully investigate this matter and take any and all appropriate enforcement actions, including sanctioning officers who ordered the use of live animals in this manner. PETA stands ready to assist in any way necessary with this investigation.

Thank you for your consideration of this important matter, and I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Zittkowski".

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