

December 26, 2019

The Honorable Wanda Vázquez Garced
Governor of Puerto Rico
La Fortaleza
P.O. Box 9020082
San Juan, Puerto Rico 00902-0082

Dear Governor Vázquez,

We are deeply disappointed by your defiant act to subvert a federal law against animal cruelty by signing a bill to “authorize” cockfighting when you and other legislators were well aware that your legislative act had no binding legal effect. The Supremacy Clause of the Constitution invalidates territorial law on cockfighting, and you and your advisors were well aware of this legal reality. The only practical effect of your action was to promote illegal activity.

Since your action, dozens of residents of Puerto Rico have communicated with us and told us about illegal fights and other illegal conduct in their communities. The people who wrote to us expressed contempt for your maneuverings and your abetting an illegal enterprise. They told us that they want cockfighting to end and they want the federal law against animal fighting obeyed.

Let’s review the sequence of events, which cumulatively demonstrate that you knew your government had no legal authority to execute.

- The Congress, in its latest upgrade of a federal animal fighting law against dogfighting and cockfighting passed in its original form in 1976, chose to apply all of the prohibitions against animal fighting to every part of the United States, including Puerto Rico. The federal law prohibits organizing a fighting venture, staging the actual fights, possessing animals for fighting, interstate or foreign commerce in fighting animals or cockfighting implements, and attending or bringing a minor to an animal fighting venture.
- During the debate in Congress, lawmakers heard objections from the Delegate Commissioner from Puerto Rico but were not persuaded by her arguments. In overwhelming numbers, federal lawmakers chose to proceed with the upgrade of the law and to apply it everywhere in the United States. Not a single U.S. Representative or U.S. Senator spoke out publicly in favor of cockfighting or her position on the legislation except for the Delegates from the territories.
- While rejecting the argument from Puerto Rico’s Delegate Commissioner, the Congress chose to give Puerto Rico and other cockfighting enclaves a year to come into compliance with the law. They asked that the territories wind down this activity over a year’s time to come into compliance with federal law on a gradual basis, all the while knowing that most animal fighting activities had been prohibited by the prior incarnation of the law.
- In May, cockfighting clubs, supported by numerous elected officials, filed a federal lawsuit in the U.S. District Court in San Juan urging that the newest provisions of the law be stayed. In October, Judge Gustavo Gelpí, a native of Puerto Rico, granted the motion for summary judgment from the United States, declaring that “[n]either the Commonwealth’s political status, nor the Territorial Clause, impede the United States Government from enacting laws that apply to all citizens of this Nation alike, whether as a state or territory.”

- The cockfighters appealed the case to the Court of Appeals to the First Circuit, seeking an emergency stay. The Court rejected that request for an emergency stay on Friday, December 20th.
- On the eve of the effective date of the law, you and Commonwealth legislature pulled a cynical legislative stunt to signal that it was okay for cockfighters to continue to operate, encouraging illegal conduct. Many of the same lawmakers who supported the federal court proceedings – seeking judicial review of the statute – chose to defy the law when the courts did not side with them.
- Since Friday – when the federal law took effect -- cockfighters in Puerto Rico defied the law, citing your signing ceremony as the authorization they needed to continue with their hobby of putting animals in a position to slash each other to death.
- All along, you and other politicians aligned with the cockfighting community have cited far-fetched and false reports on the jobs and commerce associated with animal fighting. You also said it's a highly regulated activity even though the latest report on cockfighting published by the Puerto Rico Department of Agriculture dates back to 2012. We'll also note that the only way to generate meaningful revenues through cockfighting is to sell birds outside of Puerto Rico, and that part of the cockfighting business has been forbidden under federal law since 2002.

While there is division in Puerto Rico on the question of statehood – and you are aligned with the Statehood party -- it is undeniable that Puerto Rico is a Commonwealth of the United States now. Like the people of any state or territory, its politicians and citizens can criticize federal actions, but they cannot opt out of federal laws on their whim. That is not the way the system works. This act of defiance and promoting of illegal animal cruelty is akin to defiant state lawmakers disregarding civil rights laws decades ago in the South.

The cockfighting issue is not a compelling one for Puerto Rico to ground its claim for additional representation in Congress. There is no jurisdiction in the United States, including Puerto Rico, where citizens favor cockfighting. This thumbing of your nose at federal law, and abetting criminal activity, is not acceptable on any issue, but most decidedly not compelling when it comes to the blood sport of cockfighting.

We urge you to obey the law and treat your responsibility as an elected official in a way that is consistent with the Constitution of the United States of America, where you are a citizen.

Sincerely,

Wayne Pacelle
Founder

Ana María Hernández Martí
Animal Law Attorney, San Juan