

U.S. District Court Rejects Challenge to Anti-Animal Fighting Law by Cockfighters in Puerto Rico

Animal Wellness Action calls on cockfighters to adhere to the law and stop subjecting birds to these staged acts of cruelty

SAN JUAN , PUERTO RICO , USA , October 29, 2019 /EINPresswire.com/ -- In an order issued this week, U.S. District Court Judge Gustavo A. Gelpi rejected claims by Club Gallistico and other cockfighters in Puerto Rico challenging an amendment to the Animal Welfare Act that seeks to apply our federal anti-animal fighting laws to all parts of the United States, including the Commonwealth of Puerto Rico.

Judge Gelpi granted the motion for summary judgment from the United States, declaring that “[n]either the

Commonwealth’s political statues, 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 case came before the U.S. District Court in Puerto Rico, and a decision was widely anticipated before the December 20th effective date of the latest amendments to the federal anti-animal fighting law. The legal principles addressed in the ruling apply equally to all U.S. territories.

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“This order, rejecting the claims of cockfighters in Puerto Rico, is yet one more judicial ruling that establishes that the United States has the authority to outlaw staged animal fights in the U.S. Territories, and it has done so,” said Wayne Pacelle, founder of Animal Wellness Action, which led the fight for the upgraded anti-animal fighting law. “The Congress, the Federal Courts, and the U.S. Department of Justice have been crystal clear on the

matter: engage in animal fighting activities and risk going to prison.”

In December of last year, President Trump signed the Agricultural Improvement Act of 2018 into law. That authorizing legislation, aggregating a range of policy ideas related to food and agriculture, contained a number of animal welfare amendments, including language eliminating remnant language that some territory leaders believed exempted them from the reach of the federal prohibitions against cockfighting.



Cockfighting Match

Former Representative Peter Roskam, R-Ill., and current Representative Earl Blumenauer, D-Ore., carried the amendment to upgrade the animal fighting law in 2018, securing a win on the provision by a vote of 351 to 50. Senators Cory Booker, D-N.J., Susan Collins, R-Maine, and Richard Blumenthal, R-Conn., carried a similar bill in the Senate and lobbied to retain the House-passed bill in the final conference report on the Agricultural Improvement Act. The anti-animal fighting provision was retained in the final bill, but with a one-year delay on its implementation. Again, it takes effect December 20th.



Cockfighting Ring

In May, Club Gallistico de Puerto Rico sued the federal government challenging the law. The U.S. Department of Justice filed a motion in response, emphatically arguing that most animal fighting activities are already illegal in the territories and the upgrade of the law, set to take effect on December 20th, simply builds on the roster of prohibited activities. "Just as courts have unanimously affirmed the ability of the federal government to restrict animal fighting in the fifty states, so too may it do so with respect to the territories," wrote the attorneys representing the United States.

According to the Department of Justice in its motion, the upgrade in the law stipulated that cockfighters "may not sponsor or exhibit cockfights, just as prior to §12616 they were prohibited from attending cockfights, possessing game cocks, or engaging in other animal fighting practices that were prohibited both in Puerto Rico and nationwide."

"Cockfighting is a settled matter, as a question of moral conduct and law," said Drew Edmondson, who served as Oklahoma Attorney General for 16 years and co-chairs the Animal Wellness National Law Enforcement Council. During Edmondson's third term, voters outlawed animal fighting, making it the 48th state to ban the practice. Edmondson defended the law in the courts, and the Oklahoma Supreme Court unanimously affirmed that, as written, the law was constitutional and a proper exercise of state authority. "This latest ruling by a federal judge reinforces the legal principle that the United States has the power to forbid staged fighting everywhere in the U.S."

Cockfighting is both openly and clandestinely conducted in American Samoa, Guam, Northern Marianas Islands, Puerto Rico, and the U.S. Virgin Islands, and, according to sources, these jurisdictions are receiving fighting birds via the U.S. Postal Service that is already a violation of federal law.

The Congress has upgraded the federal law five times in the last two decades (2002, 2007, 2008, 2013, and 2018), and made animal fighting; possessing animals for fighting; transporting fighting animals or fighting implements across national, state, or territorial lines; or bringing a minor to a fight a federal felony. It is a federal misdemeanor to attend an animal fight.

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