

December 22, 2021

The Honorable Lourdes “Lou” Leon Guerrero  
Governor  
Executive Chamber  
P.O. Box 2950  
Agana, Guam 96932

Dear Governor Leon Guerrero:

Animal Wellness Action (AWA) obtained a packed schedule of cockfights planned at the Dededo Game Club in January, with the battles opening on New Year’s Day and entrants required to pay \$600 into the pot to enter birds in a three-cock derby. Fights are planned four days a week throughout January according to the plans we obtained and made public.

This competition is scheduled to take place two years after the effective date of the law forbidding cockfighting in the United States – a law determined by a series of federal judges to be a legally proper exercise of U.S. authority.

As Guam’s chief executive, you must be as disturbed as we are about this conspiracy to violate the law. This illegal animal fighting endeavor draws together individuals as the omicron variant surges, it enables more gambling, and it is knowingly conducted in contravention of U.S. law. Protesters may show up, and confrontations may occur. This mix of elements has the potential to be combustible.

We ask you to speak out publicly against this criminal conspiracy, call on the organizers to scuttle the plans, and announce that law enforcement personnel will be present to maintain the peace and discourage any illegal acts of animal cruelty.

After the federal law took effect, you properly refused to authorize village cockfights, despite your stated disagreement with the law. Village mayors honored your decision. The fights planned at the Dededo Game Club are audacious and demand the attention from you and other political leaders on the island.

We understand that scofflaws are conducting fights in more clandestine ways, but the extent of that criminal conduct is difficult to gauge. The fights set for the Dededo Game Club take lawbreaking to a higher audacious level.

AWA has documented a high-volume trade in fighting animals to Guam. Our investigations have exposed the shipment of more than 10,000 fighting birds to Guam over the last four years. With the announcement about the fights scheduled for January, there should be no mystery why thousands of birds have been shipped to Guam.

The animal fighting law never singled out Guam; it is a national ban. This original federal law addressed the interstate movement of fighting animals and in the 21<sup>st</sup> century, despite cockfighters’ objections,

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Helping animals by promoting legal standards forbidding cruelty.

Congress has strengthened this law five times, including adopting Section 12616 of the Agriculture Improvement Act of 2018. As the United States made plain in its pleadings in the latest challenge to that provision of law, the federal law has long applied to Guam and Puerto Rico.

We understand some politicians on Guam think it is the territory's prerogative to decide this issue. However, these arguments were aired in a wide number of legal proceedings and are now settled law.

In his October 2019 ruling on the subject, U.S District Court Judge Gustavo Gelpí declared 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 to the Court of Appeals for the First Circuit, seeking an emergency stay. The Court denied that request. Then, a year later, on January 14, 2021, Judge Sandra L. Lynch wrote that “[w]e affirm the district court’s decision and hold that Section 12615 is a valid exercise of Congress’s Commerce Clause power and does not violate plaintiffs’ individual rights.”

A cockfighting enthusiast on Guam also initiated a challenge to the law. Those arguments also found no favor with the court. “Congress has the undeniable authority to treat [the territories of the United States] uniformly to the States and eliminate live-bird fighting ventures across every United States jurisdiction,” wrote U.S. District Judge Frances M. Tydingco-Gatewood. “The source of this authority rests primarily in the Commerce Clause and Supremacy Clause and alternatively in the Territorial Clause.”

Earlier this year, the U.S. Supreme Court denied a writ of certiorari from cockfighting interests in Puerto Rico which provided legal closure on the subject.

Citizens have every right to criticize federal policy actions, but they cannot opt out of federal laws on their whims. That’s especially true for our political leaders, who swear an oath to the U.S. Constitution. We hope you will send the clear message to cockfighters on Guam that you will not allow any gathering for illegal acts of animal cruelty.

Sincerely yours,

A handwritten signature in black ink that reads "Wayne Pacelle". The signature is written in a cursive, flowing style.

Wayne Pacelle  
*President*