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Dear Mr. President:

As you are aware Puerto Rico has a deeply rooted corruption problem in its government. However shameful this fact might be for us, U.S. citizens borne in Puerto Rico, this has been our reality all our lives. This corruption pandemic disables us from been able to challenge the institutions, their abuses, their corruption. The levels of corruption and abuse of power we are living on a day to day basis not only produces indignation but a feeling of impotence. Therefore, I am appealing to you so that you may intervein and order the Government Accountability Office and the U.S. Department of Justice to investigate the following allegations and proceed according to law. There is no doubt in my mind that without an order coming from the top brass in the federal government nothing will get done to remedy the situation I am about to explain.

As I will discuss in detail, 18 U.S. Code § 926 states that no rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.

However, since March of 2000 the Puerto Rico government (PRG) has engage in the establishment and continued operation of a firearms registry with federal funds<sup>1</sup>. This registry keeps information on the citizen that lawfully exercise his Second Amendment rights, his spouse, employment, social security, address, firearms possessed, ammunition bought, pictures and fingerprints. Furthermore, the PRG has made it a felony to posses a firearm without registering it.

#### PUERTO RICO'S UNIQUE SITUATION

In *Pueblo vs. Sanchez Valle*, 579 U.S. \_\_\_\_ (2016), the United States Supreme Court reaffirmed that Puerto Rico does not have, nor has ever had, sovereignty. Furthermore, SCOTUS reaffirmed that P.R. is a non-incorporated territory of the United States and a child of Congress. Hence, Puerto Rico falls within the definition of a "facility owned, managed, or controlled by the United States or any State or any political subdivision" referred to by the 18 U.S. Code § 926 statute.<sup>2</sup>

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<sup>1</sup> <sup>1</sup> With all that encompasses it: equipment, internet, maintenance, employees' salaries, etc.

<sup>2</sup> The most recent affirmation of this is the Financial Oversight and control Board imposed on the PRG.

Therefore, any discussion on a State's reserved Power to pass a law deviating from federal law does not apply to Puerto Rico. Puerto Rico has no undelegated and/or reserved Powers before federal government because there is no sovereignty. In fact, Puerto Rico has no Powers, period.

#### THE USE OF FEDERAL FUNDS TO ESTABLISH AN ILEGAL FIREARMS REGISTRY IN VIOLATION OF THE 18 U.S. CODE § 926 STATUTE

This statute prohibits the promulgation of any rule that would have the contents of the records maintained by FFLs be controlled, transferred, or managed by the United States or any State and prevents the creation of firearms registry.

Furthermore, for FY1979 and thereafter, Congress has included provisions in the ATF salaries and expenses appropriations language that states that no funds shall be used in connection with consolidation or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition or disposition of firearms maintained by federal firearms licensees.

Moreover, in the Brady Handgun Violence Prevention Act, Congress prohibited the use of any information generated under the National Instant Criminal Background Check System to be used to establish any system for the registration of firearms, firearms owners, or firearms transactions or disposition.

In other words, Congress wants to protect the free exercise of the Second Amendment therefore prohibits in any way, shape or form the establishment, directly or indirectly, of a firearms registry.

#### THE PUERTO RICO CASE

In the year 2000 about \$4,700,370.00 in federal funds were given to the Puerto Rico Police Department (PRPD) by the U.S. Congress. These funds were deposited by the Puerto Rico Treasury Department (Hacienda) in an account that also contained state funds. Hence, the federal and state funds merged making it impossible to establish what funds were used for what.

According to the PRG \$703.7 millions were destined for public safety in the same year. (See attached document) Those funds were used, among other things, for the recruitment of 21,000 police officers, vehicles acquisition, global positioning system acquisition, computers, and other undetermined security equipment.

In the same year, the PRPD established a firearms registry and made it a felony to possess firearms without having them registered under the Puerto Rico Weapons Act, Law 404-2000. Since its establishment, the PRPD has maintained the registry, software, computers, internet, maintenance and employees operating it utilizing funds coming from accounts in which federal and state funds are merged, making it impossible to separate one from another. As a matter of fact, since the year 2000 the PRG through its agency, the PRPD,

has continuously maintained a whole division dedicated exclusively to monitor through the registry the exercise of a constitutional protected right of all U.S. citizens living in Puerto Rico.

It is important to mention that the only way by the P.R. Weapons Act to “legally” acquire a firearm is through an FFL.

Because federal funds have been merged with state funds the actions conducted by the PRG are in violation of the 18 U.S. Code § 926 statute. Federal funds were and are being used by a “facility owned, managed, or controlled by the United States or any State or any political subdivision” to establish, maintain and operate a firearms registry.

#### VIOLATION OF THE 18 U.S. CODE § 641 STATUTE

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

The word “value” means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

The PRG through its legal entities such as the PRPD and Hacienda has deliberately merged federal funds along with state funds to establish, operate and maintain an illegal firearms registry as prohibited by 18 U.S. Code § 926.

#### VIOLATION OF THE 18 U.S. CODE § 242 STATUTE

Under the 18 U.S. Code § 242 statute it is a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under “color of law” include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official’s lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or death penalty, depending upon the circumstances of the crime, and the resulting injury.

Because federal funds have been merged with state funds the actions conducted by the PRG are in violation of the 18 U.S. Code § 242 statute. Federal funds were and are being used by a “facility owned, managed, or controlled by the United States or any State or any political subdivision” to establish, maintain and operate a firearms registry.

Most respectfully,

Osvaldo Sandoval Báez, Esq.