



April 15th, 2021

The Honorable Raúl Grijalva
Chairman, House Committee on Natural Resources
Washington, DC

Dear Chairman Grijalva,

On behalf of the fellow American citizens living in Puerto Rico USA, we want to express our heartfelt gratitude for your support to resolve our territorial status. Over 3 million women, men and children must have the equality in duties and rights there is, to finally get the respect and social justice we deserve.

I am the president of Puerto Rico Escogió Estadidad, Inc. a pro-statehood organization founded in 2016 based in San Juan, a non-political organization that advocates for Statehood for Puerto Rico. We believe that statehood is the way to move forward to get Puerto Rico to progress and reach the fullness of the rights and responsibilities of the U.S. citizen we are proud to be. We represent Puerto Ricans, outside of political parties, who live in Puerto Rico and need their voices to be heard by the people who controls our lives and our destiny as part of the United States of America.

The recent Referendum question, “Should Puerto Rico be admitted immediately into the Union as a State: YES/NO”, provided the voter the option to vote for or against becoming, a US state. During an unprecedented election in which candidates on the island won by narrow margins, the YES results attaining 53% of the votes is a clear mandate, leaving no room for excuses or interpretations. American citizens have expressed to move forward to end political impasse, so we can have equality and demand that Congress finish decades of unfair treatment and give 21st century Puerto Rico the respect, duties and rights we deserve. In 2012, 2017 and 2020 plebiscites, it was shown that a clear majority of US citizens in Puerto Rico want to end the current territorial status of the island, that a majority prefers statehood among possible alternatives.

Several leaders in Congress have expressed that the three last referendums held in PR demonstrated that statehood is the favorite of the majority of Puerto Ricans, has not been symbolic of a great majority. History is clear, thirty-two (32) territories have been admitted to the Union since the original 13 colonies founded the Nation. During the admission process not a single territory was required to request admission by more than 51%. As a matter of fact, three (3) territories were admitted although the vote for admission was less than 50%.

It is well known that the island is the oldest colony in the world. Our soldiers have been fighting and dying proudly to defend those principles since world war I. As a matter of facts we are treated as part of the US, but not equal, except when we are fighting to defend American lives and principles and when one of our own dies as soldier that receives the same honors and privileges like any soldier of the other 50 states.

It is inconceivable that the Nation of the world's leading democracy which has been an inspiration of the peaceful democratic revolutions against communism and against totalitarian governments in our region, has so far refused to clearly and forcefully support the same rule for its citizens in Puerto Rico. The struggle for statehood is a fight for civil rights and this issue transcend partisan politics. After 123 years of inequality, it is past time that we have the same rights and responsibilities as our fellow American citizens.

All we want is Congress to approve the HR1522 that admits Puerto Rico as a 51st state. We the resident's American citizens of Puerto Rico are discriminated by our place of residence and it's not fair and this has to change. Puerto Rico Chose Statehood.

Thank you,

A handwritten signature in black ink, reading "Irma R. Rodríguez". The signature is written in a cursive style with a large, prominent initial "I".

Irma R. Rodríguez
President
Puerto Rico Escogió Estadidad, Inc.

Puerto Rico Self Determination Proposals: Basic Facts

Issue	The Puerto Rico Statehood Admission Act (HR 1522) Soto (D)/Gonzalez-Colon (R)	The Puerto Rico Self Determination Act (HR 2070) Velazquez (D)/ Ocasio-Cortez (D)
Is the bill endorsed by the Puerto Rican Republican Party?	Yes. The Republican Party of Puerto Rico signed on to this letter of support for HR 1522. The Puerto Rico Young Republican Federation is also on board.	No. The same letter criticizes the Velazquez/Ocasio-Cortez bill.
Does the bill have Republican support in Congress?	Yes. The 57 cosponsors include 14 Republicans and 43 Democrats.	No. There are 73 Democratic cosponsors on the bill.
Does the bill demand statehood?	No. It recognizes the November 2020 vote but also calls for a second, ratification vote. (Sec. 2 and 7)	No. It recognizes that Puerto Rico’s legislature “has the inherent authority to call a status convention,” creates a federal commission to guide that convention, and provides new federal funding for it. (Sec. 3)
Does the bill clearly provide only options available under the U.S. Constitution to the people of Puerto Rico?	Yes. The bill provides two options for voters: (1) statehood, and (2) anything else. (Sec. 7) This structure provides voters with an uncomplicated choice to either accept or reject the well-known, Constitutionally valid option of U.S. statehood.	No. The bill requires convention delegates to “debate and draft definitions on self-determination options for Puerto Rico...outside the Territorial Clause of the U.S. Constitution.” (Sec. 3) Constitutional law permits only statehood and sovereignty as options for US territories, but the bill imposes no parameters on Constitutional law/political viability - empowering convention delegates to make impossible promises to voters.
Does the bill purport to give the people of Puerto Rico power over Congress?	No. The referendum vote presented to Puerto Rican voters is a simple up or down vote on statehood. (Sec. 7)	Yes. Puerto Rican voters can select transition plans – inherently tied to federal laws - in rejecting the current territory status. Sec. 5(a))
Do all Members of Congress have a fair and equal chance of serving	Not applicable. There is no federal commission in this proposal.	No. Only Members from the 10 states with the highest Puerto Rican populations may be selected by Congressional leadership to serve on

on the Congressional Bilateral Negotiating Commission?		the Commission. Members from the other 40 states have no such opportunity regardless of relevant expertise. (Sec. 4)
Is the proposal Democratic? Does it truly represent Puerto Rico self determination?	Yes. The bill recognizes and responds to a local vote held in November of 2020 that was authorized by the Puerto Rican legislature and signed by Republican Governor Wanda Vázquez. (Sec. 2)	No. The bill ignores the local vote and calls for a new process (a convention) that the local legislature and governor already have the power to implement – and have chosen not to use. (Sec. 2 and 3)
Does the bill involve new federal government spending?	No.	Yes. The bills calls for \$13 million in federal spending (Sec. 3 and 5): <ul style="list-style-type: none"> • \$5.5 million for the campaigns of local candidates vying to be convention delegates, • \$2.5 Million for a referendum, • \$5 million for an educational campaign, shared equally among proponents of each status option.
Does the bill’s findings recognize and respect the parameters of the U.S. Constitution?	Yes. The bill recognizes the Constitution’s Territorial Clause (Art. IV, Sec. 3) and its “power to make rules and regulations governing the territory belonging to the United States.” (Sec. 2)	No. The bill recognizes Puerto Rico as a “self-governing political entity,” ignoring the fact that in 2016 Congress enacted the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), which created a federally-appointed board that exerts authority over the U.S. territory’s decisionmaking process. (Sec. 2 (6))

WRITTEN TESTIMONY SUBMITTED TO THE UNITED STATES HOUSE OF
REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
April 14th, 2021
PUBLIC HEARING ON PUERTO RICO'S STATUS

John A. Regis, Jr, President
Puerto Rico-USA Foundation
April 14th, 2021

Our most sincere appreciation to Chairman Raul M. Grijalva, Congresswoman Nidia Velazquez, Congressman Darien Soto, Congresswoman Jenniffer Gonzalez and members of the Natural Resources Committee for scheduling this important hearing. We are extremely grateful for the opportunity to express our comments on Puerto Rico's present status, its relevance to the financial, economic, legal situation, and overall quality of life of residents of Puerto Rico.

The object of this hearing is to discuss HR-2070 The Puerto Rico Self Determination Act of 2021, and HR-1522, The Puerto Rico Statehood Admission Act.

We will give our views and comments on both bills HR-2070 and HR-1522. We will also discuss the very discriminatory, punitive, and inexcusable Insular Cases, a subject which is extremely relevant to both bills and Puerto Rico status.

It is because of these 121-year-old "Insular Cases" Supreme Court decisions that Puerto Rico continues in a colonial status; residents of the island continue having second class citizenship, Puerto Rico economy is unable to develop adequately and why until this situation is resolved Puerto Rico's adequate economic development and full quality of life is unattainable.

The Insular Cases are Puerto Rico's most damaging single item to Puerto Rico's economy and quality of life. Because of its 122 years of existence, they have been more damaging to the Puerto Rico's economy than the hurricane's, earthquakes and pandemic experienced by the island.

HR-2070 The Puerto Rico Self Determination Act of 2021

The Puerto Rico-USA Foundation rejects HR-2070 as it has no relevance or practicality to the Puerto Rico status. In general HR-2070 calls for the "legislature of Puerto Rico has the inherent authority to call a status convention through an Act or Concurrent Resolution, constituted by a number of delegates to be determined in accordance with legislation approved by the Government of Puerto Rico for the purpose of proposing to the people of Puerto Rico self-determination options."

A status convention is not the mechanism to solve Puerto Rico's one hundred twenty-two-year-old status dilemma. Puerto Rico is presently a territory of the United States and the territorial status is well defined by the U.S. Constitution and is supervised by the Territorial Clause under Article IV, Section 3 of this document.

There are only two constitutionally acceptable status options, both extremely well described under the Constitution and International law. These two options are:

STATEHOOD- A status convention is not necessary to re-invent a statehood status. A statehood status is extremely well defined under the U.S. Constitution. There are 50 examples of states in the nation and they

all function perfectly under the direction of the Constitution and the Federal Government. Nothing in this status or relationship can be changed except by a constitutional amendment.

Puerto Rico presently functions day to day as any other state, except for not paying income taxes for income derived from Puerto Rico, the lack of representation in Congress and the lack of a presidential vote. Puerto Rico is in fact an *ex-po-facto* state of the union.

This status has already been the preference of residents of Puerto Rico in three plebiscites, the last which was celebrated in November 2020 and was the choice of 53% of Puerto Rican electors.

If Puerto Rico were to become a state it would join the nation on an equal footing, with the same privileges and responsibilities of all other 50 states under the Constitution and Federal Law.

INDEPENDENCE- This status choice is widely defined by International law and does not need any further definition. Most international authorities agree there are 194 countries in the world, so we have 194 examples of what a country is and what Puerto Rico would be if it became an independent nation.

Independence has traditionally obtained nearly 3% to 5% of the total votes in previous plebiscites.

FREE ASSOCIATION, a status variation under independence – This status alternative, basically an independent country, is a creation of the United Nations to bring stability and temporary development to some colonial entities in the Pacific region after World War II. It is another concept well defined under the United Nations and well documented under the Free Association Agreements with the three United States Free Associated States, the Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau.

All three Free Associated states are fully independent entities (countries) with agreements with the United States (or mayor powers in the case of other non-U.S. associated states) with working agreements with the U.S for economic, administrative, and military assistance. As independent countries they are not entitled to have American citizenship.

These agreements are typically for a definite term (usually 30 years) which may be extended by mutual agreement or terminated by either party at any time for any reason.

If a free association agreement is terminated, a fully independent status would remain.

If Puerto Rico were to become a free-associated state it would be under a similar arrangement as the present agreements.

Based on previous plebiscites these two specifically defined status alternatives of statehood and independence, together have been the choice of most the majority of electors gaining between 59% to 71% of total votes cast. The remaining nearly 30% of electors did not have a status preference or favored the existing commonwealth status, which is a non-constitutional, non-permanent and economically non sustainable status. While a good percentage of commonwealth voters also favor other status alternatives, they would make a choice to a constitutional acceptable choice if they had to.

It should be the responsibility of the Popular Party to define what their constitutional viable status should be, and not the responsibility of a Status Convention and most of the population to do their work.

It should also be mentioned the unacceptable acts of a U.S. House of Representatives member campaigning for a “NO” vote for Puerto Rico statehood in the November 2020 plebiscite, to then draft a self-determination bill when her preference was not adopted by the Puerto Rican voters. It is also a lack of respect to the Puerto Rican people and lack of democratic principles to ignore the mandate expressed by the Puerto Rican people in the November plebiscite.

HR-1522, The Puerto Rico Statehood Admission Act

The Puerto Rico-USA Foundation fully supports HR-1522 allowing Puerto Rico to become a state of the union, thus ending the punitive and restrictive effects of the Insular Cases and likewise terminate operating under the Territorial Clause of the U.S. Constitution.

As a state, Puerto Rico would join the successful economic model that has allowed growth and prosperity to all territories that have become states since the early 13 colonies in 1776.

Puerto Rico unsuccessful economic model as a territory. On the one hand Puerto Rico is operating under an obsolete economic model that does not and has never worked. Puerto Rico high debt and poor financial conditions is partly, if not largely based on the island’s poor economic development. Puerto Rico’s economy once prospered based on economic incentives once offered to manufacturing plants doing business in the island. The world economy has significantly changed due mainly to globalization, liberalized trade treaties in past years, increased communications and transportation, the automatization of manufacturing plants reducing the job creating effect and the expiration of patents, all significantly reducing the slight competitive advantage that Puerto Rico once enjoyed within the United States common market.

Through the years the United States Government tried to help the Puerto Rico’s economy with tax incentives that benefited more the manufacturing companies than the Puerto Rico’s wage earner or the island’s economy. Between 1970 and 2000, when 936 was in effect, 936 corporations saved nearly 4.5 Billion dollars a year in tax payments. During this period, the Puerto Rican economy expanded by 2.7% annually, while the U.S. economy grew by 3.3% annually. That is, over this 30 year period, the U.S. economy grew 17% more than the Puerto Rican economy. In the 936 eras, then, Puerto Rico was falling further and further behind the states.

The U.S. Congress finally eliminated 936 incentives in 1996 mainly because the effects in the local economy were not in proportion to the benefits received by the manufacturing corporations.

An even more dramatic comparison: In 1970, per capita gross national product (GNP) in South Korea was 65% *less* than in Puerto Rico. By 2000, per capita GNP in South Korea was 9% *larger* than in Puerto Rico. (By 2010, with the Puerto Rican economy in deep recession, Korean per capita GNP was 62% above that in Puerto Rico.)

From the era when Rexford Tugwell governed Puerto Rico in the early 1940s, Puerto Rico has sought provisions in the U.S. tax code that provide special incentives for U.S.-based firms to operate on the island. These provisions, according to Tugwell and later Puerto Rican governments, would create a basis for Puerto Rico to catch up economically with the states. Special tax incentives have thus long been a central element in governments' economic development programs, and they are touted as promoting economic growth and increased employment.

In the 1950s and 1960s, the era of Operation Bootstrap, federal (as well as local) tax incentives may have played a role in the growth of the Puerto Rican economy. While 936 did not exist in those years, similar provisions were put in place, implementing Governor Tugwell's concept that Puerto Rico needed special tax treatment to attract investment to the island. In this early period, however, the major factors pushing the expansion of output and employment were low-wage labor and privileged access to the U.S. market. As wages rose and privileged access largely disappeared (as many lower-wage parts of the world obtained virtually equal access), the tax incentives remained but economic growth faltered. Since 1980, economic growth in Puerto Rico has lagged substantially behind that in the states.

Puerto Rico's economic model as a Commonwealth (a territory) based on tax incentives, freebees and give away helped to a degree in years past, but it does not work any longer. Economic development has been strapped helping in a big way to the present economic situation causing over seventy thousand (70,000) residents moving to the mainland last year alone in search of jobs and better opportunities. At the same time the tax base is further reduced. Our labor participation rate is 41.2 while that in the mainland is 62.4. A new economic model is urgently needed.

Perhaps one of the best examples of why manufacturing incentives like 936 do not work in Puerto Rico is the existence of the present Controlled Foreign Corporations (IRS-957). Many of the former 936 corporations converted to CFC's enjoying many of the benefits under the former 936 programs, but still economic growth is stagnant.

It is our opinion that the economic model is directly related to the island's political status. It is time to face reality and commence a process to culminate the present Commonwealth into full participation as a State of the Union.

As a state, Puerto Rico would join all IRS regulations and responsibilities. As previously done in other states, Puerto Rico should go through a transition period of 10 to 15 years transitioning all taxes to minimize any sudden adverse impact on the population. Also, to aid stability in the transition period, present tax incentives given to corporations and individuals under the Controlled Foreign Corporations, and PR Law 60 (Former Act 20/22) and other tax incentives should be grandfathered-in for the duration of the transition period or the expiration of the individual tax decrees, which ever is shorter.

Divergent theory studies project the island could be revenue neutral to the US Treasury within 10 to 15 years.

On a short-term basis, we support the recommendations made by the White House and the Treasury Department, mainly the equal treatment or parity of the Medicare, Medicaid and other health programs, the implementation of the Earned Income Tax Credit, and the Child Credit Program as tools to combat poverty and improve economic development. It is of utmost

importance that the punitive and crippling Insular Cases be eliminated to provide Puerto Rico with the much-needed economic development and improved quality of life.

On a long-term basis, the evolution into a different economic model, that possible as a State of the Union is the long-term solution to achieve sufficient economic development and growth.

In summary, it is our unequivocal opinion that Puerto Rico must become a state of the Union for the economy to sustain itself and grow. Neither local nor other investment will come to Puerto Rico with the drawbacks and uncertainty of its current “colonial” status. In the meantime, the playing field must be leveled. The choice is clear: statehood or a worsening more of the same...

H. Res. 279, Rejection and Elimination of Insular Cases

The United States has historically been the defender of democracy around the globe. At times, the U.S. has used military force to insure democracy in places from Iraq to Korea to Granada and many places around the world.

The second paragraph of the United States Declaration of Independence reads “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness...” These rights apply in full to the 327 million Americans living in the States, but not to the 3.4 million American citizens living in Puerto Rico.

The supervision and administration of the territory of Puerto Rico falls within the Territorial Clause of the U.S. Constitution; Article IV, Section 3, which reads “Congress shall have the Power to dispose of and make all the needful Rules and Regulations respecting the Territory or other property belonging to the United States”.¹

It has been a frequent belief that the territorial clause gives Congress a free hand to do anything they wish with the territory. This is NOT correct. While Congress has full decision and discretion on the affairs and administration of the territory, their power is limited. Their decisions, instructions, rules, and regulations must follow federal law and the constitution itself.

Historically the territorial clause applied to all territories that eventually became states. It provided generously to each of these territories with parity on most federal programs, full protection of the U.S. Constitution, unquestionable full rights American citizenship and an adequate economic model for economic development and economic growth. These incorporated territories had adequate economic development while their populations were fully protected under the constitution. These conditions even applied to the last other five territories that later became states, but not to Puerto Rico, the only territory in U.S. history (other than four smaller pacific territories) that has been denied these same conditions.

On December 10, 1898 under the Treaty of Paris Puerto Rico was ceded to the United States and it became an incorporated territory of the United States. Puerto Rico was at that time

an incorporated territory on an equal basis with all other territories at the time, including Alaska and Hawaii, Arizona, New Mexico, and Oklahoma.

At the end of the 19th century a very discriminatory and racist atmosphere existed that even influenced the Supreme Court decisions that allowed discrimination laws known as Jim Crow laws which declared segregation constitutional thus legalizing discrimination. This was an incredibly sad period in our nation's history.

Early in the new century everything changed for Puerto Rico as well, when basically the same U.S. Supreme Court justices that decided the Jim Crow laws; Chief Justice Melville Fuller, Shiras, Peckman, White, Gray and Brown (Yes, ironically White, Gray and Brown) that decided the earlier very discriminatory Jim Crow cases also decided the unfair and punitive "Insular Cases".

In 1898 under the Treaty of Paris the U.S. acquired from Spain several offshore territories. These new island territories became known as "insular" territories because these were geographically insulated from the mainland. Early in the century, the U.S. Supreme Court treated these territories discriminately under several Supreme Court decisions known as the "Insular Cases". The new population was referred to as "foreign", "uncivilized" and as an "alien race". Under these insular cases Puerto Rico was classified in a newly created classification of "unincorporated territory" depriving its population of several constitutional rights and the ability for proper economic development. The same Supreme Court created our own "Jaime Crow" laws applying only to the territory of Puerto Rico and not to the other five territories that later went on to become states.

After 121 years as an unincorporated territory Puerto Rico remains a colony of the United States. Puerto Rico residents have half the per-capita income of the poorest state of the Union, yet they are American citizens since 1917. In the mid-fifties Operation Bootstrap made an attempt at some economic development through IRS Code 936 and other tax incentives which were eliminated by Congress because they benefited U.S. manufacturing firms a whole lot more than they benefited the local economy. Trade agreements like CAFTA, NAFTA and others did little to help the P.R. economy, in fact they negatively affected the local manufacturing industry. The closing of Navy Base Roosevelt Roads in 2005 marked the beginning of the recent financial problems when the island lost 5% of its GNP overnight. In the last ten years the island lost 16% of its population looking for better employment opportunities in the mainland, further eroding its production and tax base. I must also mention the passing of two category five hurricanes two years ago with a good initial emergency aid from the federal government, but a poor and slow reaction of federal aid funds and reconstruction programs. Still two years after the storms most of these funds remain unavailable. Early in 2020 the island experienced a number of 5.5 to 6.4 earthquakes with over two thousand smaller tremors that caused severe destruction in five municipalities in the south side of the island. In March 2020 Puerto Rico joined the rest of the world closing all economic activity for over 100 days due to the Covid-pandemic.

The island has been in a financial crisis for the last 12 years ending up with PROMESA, a locally disliked but much-needed Congressional mandated fiscal supervision board to

oversee the local economy. In short... Puerto Rico is in a deep financial crisis and bankrupt with no political power or tools to reverse this course.

No matter what economic development tools are put in place, or what restrictions in fiscal operations are implemented by the Puerto Rican government or by a control board, Puerto Rico can never enjoy a significant economic development because it was placed in a "Limbo State" by the Supreme Court's Insular Cases. Since early this century the insular cases placed Puerto Rico in a perpetual unincorporated territory status that does not provide for an adequate economic model allowing for economic sufficiency. Even if the supervisory board can improve the local economy, it would not be long before the economy is in trouble again. As several Puerto Rico White House Task Force Reports have concluded, the current political status of Puerto Rico constitutes a hinderance to its economic development.

The treatment of Puerto Rico as an unincorporated territory was the result of six main early 1900's U.S Supreme Court decisions; *Downes v. Bidwell*, *De Lima v. Bidwell*, *Goetze v. United States*, *Dooley v. United States*, *Armstrong v. United States and Huus v. New York and Porto Rico Steamship Co.*, and a couple of dozens minor decisions. Judge Juan Torruella, a judge on the U.S. Court of Appeals for the First Circuit stated, "strictly speaking the Insular Cases are the original six opinions issued concerning acquired territories as the result of the 1898 Treaty of Paris".

In 1901 recently after the United States acquired the new territories and territorial law was disputed, the Supreme Court in *Downes v. Bidwell* ruled that Puerto Rico and other insular territories would not be incorporated into the U.S. until Congress conferred them U.S. citizenship. Congress conferred U.S. citizenship to residents of Puerto Rico by virtue of the Jones Act in 1917. In a very confusing 1922 *Balzac* case, the court ruled that Congress can govern Puerto Rico outside the constitution despite that U.S. citizenship was granted in 1917. This meant that for the first time in U.S. history a territory- in this case Puerto Rico- would not be governed in the same manner as other American citizens were treated in any other U.S. jurisdiction.

In the Insular Cases decisions, several discriminatory restrictions were placed on the territory. In *Downes v. Bidwell*, justice Henry Billings Brown cautioned against extending the Constitution to "possessions ... inhabited by alien races" and warned Congress it may have to act in ways it would not have to in a "territory inhabited only by people of the same race". Justice Edward Douglass White warned admitting "unknown island people with an uncivilized race", and "whose inhabitants were unfit for U.S. citizenship". In *Bidwell* the court created the distinction between incorporated and unincorporated territories. The court also determined that the constitution does not extend "*ex proprio vigore*" and could be extended at Congress discretion. In *Balzac* American citizens residing in Puerto Rico continue to be treated as second-class citizens.

Because of the Insular Cases decisions, the territorial clause did not equally apply to the territory of Puerto Rico. Unlike the 37 territories that became states, or the present 50 states of the union, Puerto Rico residents have a second-class citizenship where the U.S. Constitution does not fully apply, federal programs and funds are discriminately assigned many times at a fraction of what other American citizens receive despite in many programs

contributing on an equal basis. The economic model is inadequate limiting and restricting the growth opportunities enjoyed by incorporated territories or states.

None of the 37 territories that became states after the thirteen colonies were classified unincorporated territories. None of the five territories that became states since the Insular Cases decisions early in the century were classified unincorporated. So why is Puerto Rico the only territory to be placed on this unacceptable condition, that of a Limbo State and let it remain as such for over 121 years?

All the five territories that became states in the earlier part of this century went ahead with impressive economic growth. Both Hawaii and Alaska became states in the fifties and in less than 60 years developed economically to become the 10th and 18th states in the rank of income per capita² while Puerto Rico remains in the poor house with no tools or hope of development. It is heartbreaking to think where Puerto Rico's economy could be today if it had remained an incorporated territory for the last 122 years.

Politically Puerto Rico has no influence in the federal government. Its residents do not vote for the President who sends its citizens to war and cannot vote for members of Congress except for one single Resident Commissioner who has no floor vote and represents three and a half million American citizens, over five times the load of the average congressman. There is no "consent of the governed" and a huge deficit in democracy. Puerto Rico is in a legal limbo condition which will not allow it from solving its current financial crisis or ever recover economically.

There is a huge number of opinions, pressures, and demands that a change in this colonial relationship is necessary.

The Insular Cases cast a 121-year-old embarrassing shadow on the rights and privileges of the residents of Puerto Rico. That they do so for racist and troubling reasons adds insult to injury. After 121 years the world has changed, yet Puerto Rico remains handicapped to develop economically a la par with other states or independent nations. American citizens residents of Puerto Rico are denied an adequate standard of living and quality of life because of these obsolete, antiquated, and unjust "Insular Cases"

The Insular Cases were fundamentally based on the basis and incidents of slavery that are specifically forbidden by the Constitution under the XIII, XIV and XV Amendments.

It is quite clear that the Territorial Clause of the Constitution was highly effective in managing all other former incorporated territories and helpful in protecting the American citizens residing in these territories. It provided its residents with all the constitutional guarantees and protection of their citizenship while providing the tools for economic development and improved quality of life.

It is the early century Insular Cases of the Supreme Court that has crippled the life and development of residents of Puerto Rico. Residents of the island have been denied he

American Dream and the “Life, Liberty and the Pursuit of Happiness” enjoyed by American citizens elsewhere. This unequal and unfair treatment must come to an end.

The territorial clause is not the problem for Puerto Rico. The territorial clause affects the “territory” and the administration of the territory. In fact, an incorporated territory status could be extremely helpful for the island’s economy and quality of life.

The real problem for Puerto Rico is the Insular Case decisions that violates and affects the constitutional rights and privileges only of those American citizens living in the island. The constitutional rights of American citizens cannot be violated by place of residency. That is why we have seen several recent Supreme Court decisions protecting the constitutional rights of American citizens living on the island as in the April 2020 landmark case of *U.S. v. Jose Luis Vaello* in which the constitutional rights of the claimant were protected.

The Insular Cases violates the constitutional rights of American citizens living in Puerto Rico and they must be abolished.

Under the Territorial Clause of the Constitution, it is Congress who has the responsibility of “make all the needful Rules and Regulations respecting the Territory or other property belonging to the United States”.³ Congress must review and abolish these ancient and obsolete Insular Cases and give the residents of Puerto Rico their unquestionable first-class American citizenship and an opportunity to follow the American Dream and enjoy an adequate quality of life. The least Congress must do would be to conform all Insular Cases to the Constitution.

There are many opinions of why these insular cases must cease to exist. Primarily, Puerto Rico is a de facto state of the union, over 95% of the Puerto Rican people have expressed their desire to maintain their American citizenship, and have expressed their desire for permanent union with the U.S. United States citizenship is expected to be the same regardless of place of residence.

The ACLU has called for the Supreme Court to overrule the precedent that established “second-class” status for Puerto Rico. Adriel Cepeda Derieux, an attorney for the organization, wrote that the cases are a “glaring anomaly in the fabric of our constitutional law” that “explicitly rest on anachronistic and deeply offensive racial cultural assumptions.” The UCLU and other “friends of the court” have urged the Supreme Court to reject the troubling double standard it created long ago and affirm Puerto Ricans have full constitutional membership.”

First circuit Judge Juan Torruella, a strong critic of the Insular Cases, recently explained these decisions allowed Americans in the territories “to be treated unequally from those in the rest of the nation solely by reason of their geographical residence”. These cases “stand at par with *Plessy v. Ferguson* in permitting disparate treatment by the government of a discrete group of citizens.”

Neil Ware, of Equally American referring to the Insular Cases wrote “Underlying the current crises facing the U.S. territories and the underwhelming federal response is a legal

It is the position of this Puerto Rico-USA Foundation that the Executive Office, the Supreme Court and Congress must promptly review the insular cases and eliminate these from our legal system and bring fairness and equality to American citizens residing in Puerto Rico allowing adequate economic development and improved quality of life. Ultimately, Congress has the constitutional responsibility to “make all the needful Rules and Regulations respecting the Territory”. Congress, individually and collectively, must be responsible to review this issue and together in Congress should start legislation eliminating the very punitive effects of the Insular Cases. Even if the absurd reasoning behind these Insular Cases once existed, these certainly do not exist in today’s Puerto Rico. Not to act to correct these conditions and allow these punitive restrictions to remain affecting three and a half million American citizens will only perpetuate the discriminatory, damaging, and unacceptable 122-year-old reasoning of the insular cases.

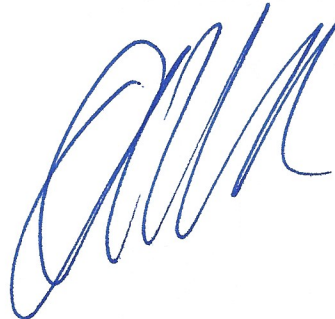
The punitive effects of the Insular Cases can be eliminated by a declaration of Congress that Puerto Rico is considered an “Incorporated Territory” or by the eventual granting of Statehood.

In 122 years, Puerto Rico has yet to solve its permanent status problem. Eliminating the very damaging punitive restrictions of the Insular Cases will in the meantime bring an adequate economic development, a higher level of equality and raise the quality of life closer to what other American citizens enjoy under the U.S Flag. Ultimately equality, full participation of constitutional rights and benefits and adequate quality of life can only be achieved by statehood.

In quoting the second paragraph of the Declaration of Independence Roger Pilon, senior fellow and director of Cato’s Center for Constitutional Studies wrote “the Declaration’s seminal passage opens with perhaps the most important line in the document: “We hold these Truths to be self-evident”. Grounded in reason, “self-evident” truths invoke the long tradition of natural law, which holds that there is a “higher law” of right and wrong from which to derive human law and against which to criticize that law at any time. It is not political will, then, but moral reasoning, accessible to all, that is the foundation of our political system””.

For these reasons we fully support the House Resolution 279 introduced by Chairman Raul Grijalva. The Insular Cases must be repealed as soon as possible. They can be repealed by a simple declaration by Congress that the status of Puerto Rico is from a certain date forward an incorporated territory of the United States. It is also our opinion that fairness can be brought to Puerto Rico after 122 years of this intolerable and unfair status as an unincorporated territory, to grant Puerto Rico statehood as the 51st state of the union.

John A. Regis, Jr. President
Puerto-Rico-USA Foundation
November 14th, 2021

A handwritten signature in blue ink, appearing to be 'J. Regis', written over a large, faint circular watermark or stamp.

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April 14th, 2021

**TO: US House Natural Resources Committee-Honorable Chairman Grijalva & Members
RE: Written Testimony for Hearings on HR 1522 To provide for the admission of the State
of Puerto Rico into the Union.**

**FROM: NPREC Executive Committee-
Dennis O. Freytes-US Army Ret.
Emilio Ruiz-
Nathaniel Morell-**

TESTIMONY

In Support of H.R. 1522; Fairness-Equal Rights for Puerto Ricans

Chairman Grijalva, Ranking Member Bruce Westerman and members of the committee:

On November 3rd, 2020, the U.S. citizens of Puerto Rico were asked in a locally legislated referendum, should Puerto Rico be admitted immediately into the Union as a State? Around 53% of the Puerto Rican electorate voted Yes.

It is an undeniable fact, statehood won. Opposing its result due to obscure partisan reasons only underscore the continued discrimination against Puerto Rico and hinders its right for self-determination.

The plebiscite took place under the auspices of the elected Puerto Rican Legislature and signed by the territory’s Governor. It was an act of self-determination that must be acted upon by the Congress.

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The Federal Government has never conducted a Puerto Rican “Status Plebiscite” to end the federal institutionalized discrimination against the U.S. Territory of Puerto Rico; a territory which is home of more U.S. Citizens than 22 other States.

The Federal Government cannot continue to sponsor the current territorial status which has lost the “Consent of the Governed”; it is an undemocratic regimen that was established since 1898 when Puerto Rico was taken as a colonial possession and which citizens were imposed with a statutory (by Law-1917 Jones Act) second class U.S. Citizenship that skirts the protections of the 14th Amendment. It is imperative that Congress admits Puerto Rico as a State and correct these imperfections to the fabric of the Union by abolishing the existence of Americans who are in essence ruled without their consent.

The truth of the matter is that the actions enacted by Congress disenfranchises millions of U.S. Citizens which includes thousands of veterans when it denies the Puerto Rican people their fundamental voting rights to select a delegation in Congress, voting for their Commander in Chief and achieving political parity in enacting federal laws. Programs and legislation that affect their every day lives. Rights that are taken for granted in any part of America by allowing the existence of a second-class citizenship that is not constitutionally protected under the 14th Amendment but upheld by statutory Citizenship, even if they move to another State!

Puerto Rico is the oldest colonial territory in U.S. history; it faces Federal Institutional discrimination, per the outdated Territorial Clause (1787) and the “Insular Cases” of 1901-1925, cases that were based on racism and that was not applied to other U.S. Territories including Florida that later became States before Puerto Rico!

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The Territorial Status was never envisioned by our Founding Fathers to be permanent solution but as a transitional status. Puerto Rican quest for Equality rest in the ideas of “We the People”. A phrase that represents fair treatment and equal rights for all Americans under the Constitution and as remainder that the Federal Government should be the Servant of all the People; not the Master of some!

These unjust acts by the Congress and the Federal Courts need to be considered as a by product of a colonial relationship. A relationship that cannot be tolerated.

Puerto Ricans have made many valuable contributions to the American experiment, with some fighting for America even before the nation was founded by serving in Spanish colonial regiments against British forces in North America during the U.S. War of Independence.

Puerto Ricans contribution continued under American rule when the draft was imposed in 1917, it allowed the War Department to recruit soldiers, sailors and marines that could fight but could not vote. Thousands of men and women who shed sweat, blood, and tears under the American Flag. Participating in World War I, World War II, the Korean War, the Vietnam War and the Middle East Conflicts.

The most renown among them being the 65th U.S. Infantry Regiment, mostly composed of Puerto Rican enlisted members and lead by continental officers. Their actions during the Korean War earn it several Presidential Unit Citations and the Congressional Gold Medal.

Brave servicemembers who fought under the banner of liberty and justice that were drafted from U.S. Territories that were considered by the Federal Government as “foreign in a domestic sense”.

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The U.S. Citizens in Puerto Rico have also contributed immensely to the national treasury. By paying Federal Payroll Taxes like Social Security, Medicare, Medicaid and cabotage tariffs that support the U.S. Merchant Marine Fleet as those codified through the Jones Act.

Puerto Rico itself is a national strategic asset. Its position in the Caribbean Sea is vital for power projection towards Latin America and its rule under the American flag serve to justify the 200 miles exclusive economic zone claimed by the United States.

For over 123 years national politicians have provided ageless discriminatory generalizations, speculations, political distortion, and excuses to stop Puerto Rico admission as a state of the Union. Excuses like, there must be a super majority Vote for Statehood; Puerto Rico must resolve the Fiscal Debt and Economic problems first; Puerto Ricans leadership suffers from endemic corruption, etc.

Excuses that highlight how Puerto Rico is being treated and that were never applied to other U.S. Territories which were underdeveloped, poor or that had their own challenges with local corruption. These excuses serve to perpetuate Federal institutional discrimination, becoming a type of underhanded racism. This goes against the spirit of our Constitution. Members must understand, you either support Equality or you discriminate against the will of the people made clear on last November's election.

Puerto Ricans want EQUALITY! They Voted in several certified local plebiscites (2012, 2017, & 2020) against the current Federal undemocratic Territorial Status, with a majority always favoring Statehood. Independence never gathers more than 2-5% of the popular vote. For the past 20 years the Puerto Rican electorates have consistently elected a Governors and Resident

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Commissioners who support Statehood. They have integrated into U.S. way of Life and cherish their U.S. Citizenship. To keep them from enjoying full federal voting rights only helps to stress the colonial relationship. Worse, it undermines the American foreign policy by showcasing a lack of democracy on our own back yard to the international community.

The solution to the undemocratic, colonial control over the US Territory of Puerto Rico is to listen to its voters and admit Puerto Rico as a State of the Union.

House Resolution H.R. 1522 introduced by Rep. Darren Soto D-FL and its companion bill in the Senate S. 780 introduced by Senator Martin Heinrich D-NM advocate for Puerto Rico admission as a State of the Union. They enjoy the bipartisan support in Congress and the support of the Island leadership; embodied by the current Governor of Puerto Rico, Hon. Pedro Pierluisi, D-PR and Congresswoman Jennifer Gonzalez R-PR.

A Status Convention sponsor by Rep. Nydia Velazquez is deceptive and a delaying strategy

Today, all Puerto Ricans want to end Federal discrimination and inequality faced by the current undemocratic Status. But some misguided politicians want a solution through a “Status Convention”, a strategy that politically spins the facts and creates layers of bureaucracy that delays a solution to Puerto Rico’s status by creating a Constitutional Convention. This parallel state-legislature will circumvent the vote of the people by allowing elected officials that will endlessly debate options and ignore last November’s Referendum results.

There are only four ways of U.S. Governance under the Constitution, one for: States, Territories, Indian Tribes, and the District of Columbia; two non-Territorial Status: STATEHOOD or INDEPENDENCE are final sovereign solutions. There is no need for a Status or Constitutional

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Convention that will only debate options that have been vastly studied by the past Congressional Committees, several Presidential Task Forces on Puerto Rico's status and rulings of the U.S. Supreme Court.

Rep. Velazquez bill is a delaying tactic disguises as a “self-determination” bill which favor options that are not supported by the will of the people of Puerto Rico as expressed by the past referendum.

Dear members of Congress, admitting Puerto Rico as a State is not only the will of the Puerto Rican people, it is the right solution for this unjust wrinkle in the historical fabric of the nation. For a more perfect Union, for a more equal Union, vote yes on H.R. 1522.

Sincerely,

The National Puerto Rican Equality Coalition Executive Committee:

Dennis O. Freytes, US Army Ret.-

Anthony Carrillo, Esq.-

FL Veterans Hall of Fame; Community Servant Leader

Mr. Nathaniel Morell-

Mr. Emilio Ruiz-

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Appendix

MAIN SOURCES OF FEDERAL GOVERNMENT POWERS over PUERTO RICO

Our US Constitution, Article 4- “Territorial Clause” which is trite and undemocratic: states: “Congress shall have the power to dispose of and make all rules and regulations pertaining to the Territory or Property belonging to the US...” This original control of the Territory-Land Clause conflicts with today’s evolving US Constitution (with 27 Constitutional Amendments-bill of Rights).

Treaty of Paris (1898)—the US forcefully invades; acquires Puerto Rico as Booty of War from Spain-with no guaranteed of Human-Civil Individual Rights for Puerto Ricans...till today.

Foraker Act (1900)—starts the organization of Puerto Rico’s (PR) Civil Government, but under the will of the Federal Government--where some racist Congressmen called Puerto Ricans “aliens, mestizos, not fit to governed themselves...” etc. (See Congressional and other Records).

This sets the stage for covert institutional discrimination against Puerto Ricans--in the Federal relationship with the US Territory of Puerto Rico—a travesty of true Justice--to this day!

The **US Supreme Court Infamous Insular Cases** (1901-1925+-based on racism; have not been overturned)--call PR an “**un-incorporated” US Territory where the Congress has the power to “differentiate” (discriminate) in applying the US Constitution... The US Supreme Court** wrongly interpreted and established (based on discrimination of the times) that:

The Court allowed Congress to disregard the Bill of Rights when legislating for the territories of Puerto Rico and the Philippines. The court maintained that “the uncivilized parts” of those territories “were wholly unfitted to exercise” these rights, and Congress needed discretion to decide when the islanders were ready...

Downes vs Bidwell (1901) & Balzac vs Porto Rico (1922): Gives the US Congress the **power to discriminate (differentiate) in applying the US Constitution to US “un-incorporated” Territories (like Puerto Rico) that are considered “more foreign than domestic, belongs to, but, is not part of the US...”**. The same Judge in Plessy vs Ferguson-1896 (Blacks are separate but, Equal) which was overturned by Brown vs the Board of Education-1954), was on the US Supreme Court... Even though, a later decision added that fellow US Citizens-American Veterans had broad (un-listed) Rights... (But, not all Civil Individual Rights...)

The term “un-incorporated...” is not found in the US Constitution, and was not applied to any US Territory before Puerto Rico. Thus, the discriminatory term “un-incorporated” is a basis for our US Congress to treat Puerto Rico differently, because PR is considered “foreign; not part of the US”. How

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can US Citizens-American Veterans be foreign till today, under their US Flag? Sadly, the Federal-US Supreme Court has never overturned Bidwell and Balzac, like they did with Plessy vs Ferguson!

The 1917 Jones Act-imposed a statutory (by Law) US Citizenship that was a great step forward in recognizing the value of loyal Puerto Ricans to the United States...; which we applaud and celebrate! But, it fell short of an Equal US Citizenship; established a covert 2d Class US Citizenship where US Citizens, under the American Flag-can't vote for their US President-Head of State; don't have just representation in the US Congress that determines its destiny; don't have equal rights, earned benefits, nor a permanent US Citizenship (if born in the "unincorporated" US Territory of Puerto Rico)...-don't have full "Due Process" under the 5th or 14th Amendment...

Remember our US Republic's US Constitution "WE THE PEOPLE" is made-up of the "US Citizen" (with fully protected Individual Civil Rights)-which is the building block-epicenter of our **Representative Democracy system** with "consent of the governed" for all (per Declaration of Independence); Equal Treatment-Parity under just and fair laws...as we guard against a "Tyranny of a Majority"!

What should be more important or crucial in a Representative Democracy? The undemocratic Federal control of a Territory-Land or the People-made up by Individual Citizens with Equal Rights? "We the People" (made up by Individual US Citizens); Fair Treatment-Equal rights...are more important!

The 1950 Federal Relations Act was another good milestone where the US Congress permitted Puerto Rico to have a Territorial Constitution and be treated almost as a State. But, this didn't affect US Congress' Powers, under the US Territorial Clause and the Insular Cases. Besides, Congress can't relinquish any powers provided by the US Constitution. Thus, it has the power to revoke any prior Law—including the 1917 Jones Act-that provides for a "statutory" US Citizenship for Puerto Ricans.

However, it permitted Puerto Rico to have some local-Government (with no sovereignty) and a Territory Identity, Constitution, and Flag (almost like a State)... But, it didn't change the incongruent Constitutional Territorial Status under the undemocratic plenary will of our US Congress or the Federal Discrimination under the Insular Cases... or incorporated PR...

In 1952 the US Congress approves Puerto Rico's Territory Constitution, and calls Puerto Rico's Government a "Commonwealth" which was translated into Spanish as "ELA-Free Associate State"—a cover-up of Puerto Rico's true Constitutional Status which is US Territory. This appears to be an attempt to fool the United Nations, and the People as to the true Status of PR- which is not ELA-Free Associated State (as called in PR)!

***NOTE:** Commonwealth or ELA are political distorted terms that have no meaning in our US Constitution—which only recognizes PR to be a US Territory... The US Congress cannot relinquish any Constitutional powers or change a Constitutional Status, because it is not above the US Constitution... Under the US Constitution, Puerto Rico's Status is that of a US Territory, period!

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Sources of US Citizenship—one under the US Constitution’s 14th Amendment; the other under the Territorial Clause that allows the US Congress to provide a Statutory (non-permanent) 2d Class US Citizenship, per current interpretations of the US Supreme Court which unjustly states: the US Congress can discriminate in applying the US Constitution to un-incorporated Territories like PR...

Some Other Facts:

In Rogers v. Balleri, 401 U.S. 815 (1971), “the Court ruled that (its earlier decision in case of) Afroyim was applicable because the claimant was not a 'Fourteenth Amendment US Citizen'... because Balleri had been born outside the United States... The case law establishes that Puerto Rico, whatever its exact status and relationship to the United States, is not itself in the United States...In that perspective, then, the limitation of the first sentence of Section 1 of the Fourteenth Amendment would not restrain Congress' discretion in legislating about the citizenship status of Puerto Rico...”

GAO: 81Examining Bd. v. Flores de Otero, 426 U.S. 572, 600 (1976). The Supreme Court struck down as violation of equal protection or due process guarantees a Puerto Rican law which restricted the licensing of civil engineers to those who were U.S. citizens. Id. at 606. But, the Court has **never found it necessary to determine whether the Fifth Amendment applies to Puerto Rico directly or by operation of the Fourteenth Amendment**. See also Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663, 668 n. 5 (1974)

In **Torres v. Puerto Rico**, 442 U.S. 465 (1979), cited above, **JUSTICE BRENNAN, with whom JUSTICE STEWART, JUSTICE MARSHALL, & JUSTICE BLACKMUN** join, concurring in the judgment, cited *Reid v. Covert*, 354 U.S. 1, 14 (1957), in which **Mr. Justice Black** said "The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperative when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written Constitution and undermine the basis of our Government."

In Harris v. Rosario, 446 U.S. 651 (1980), the Court in a succinct per curium order, applied *Califano v. Torres*, 435 U. S. 1 (1978), to hold that a lower level of aid to families with dependent children to residents of Puerto Rico did not violate the “Equal Protection Clause”, because in U.S. territories Congress can discriminate in applying the US Constitution against its Citizens by applying a rational basis standard. However, **Justice Marshall** issued a staunch dissent, again noting that Puerto Ricans are United States Citizens and that the Insular Cases are indeed questionable...

CONGRESSIONAL RESEARCH SERVICE (1989)- confirmed that Puerto Rico belongs to the United States but is not in the United States. “Whatever its exact status and relationship to the United States,” CRS cautioned, “Puerto Rico is not itself in the United States.” The 14th amendment, according to CRS, therefore doesn’t apply to people born in Puerto Rico. (In 2016, the Federal Court WDC confirmed in *Tuaua v. U.S.* that the Constitution’s 14th amendment does not apply to people born in a U.S. Territory,

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per, Territorial Clause and Insular Cases-which decided that the U.S. Constitution doesn't apply entirely to unincorporated territories like Puerto Rico.)

The **1997 GAO Report-U.S. INSULAR AREAS Application of the U.S. Constitution**, states: “Citizenship is derived either from the Fourteenth Amendment to the Constitution (“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States . . .”) or from a specific statute that confers citizenship on the inhabitants of an area that, although not a state, is under the sovereignty of the United States. Such legislation has been enacted for Puerto Rico (8 U.S.C. § 1402)...”

Chief Judge Torruella (US 1st Circuit Court of Appeals) in his Book-has critiqued the judicial system and compares the “Insular Cases” (1901-1922), that defined the status of Puerto Rico to Plessy v. Ferguson (separate but equal doctrine to justify racial segregation) that was overturned with Brown v Board of Education (1954)-- to Puerto Rico's case of un-democratic inequality (2d Class US Citizenship). (Puerto Ricans are segregated VOTERS depending on where they reside; don't have full rights, benefits, or parity in Federal Laws or permanent US Citizenship, if born in Puerto Rico...)

Chief Judge Torruella states, “The Supreme Court continues to cling to this anachronistic remnant of the stone age of American constitutional law notwithstanding that the doctrines espoused by the “Insular Cases” seriously curtail the rights of several million citizens... of the US.” Reflecting on over 120+ years of US un-democratic control of Puerto Rico, Torruella further says: “the disparity of rights that result from this relationship has in my opinion for too long been relegated to the back burners of American constitutional thought and dialogue...” and “whatever the future holds for this island, its people should strive for the equality which has too long eluded them”.

Harvard University discussion (Feb. 2014), Judge Torruella continue to express this. (Enclosed Remarks) Also, he stated: “The Jones Act of 1917 would later grant Puerto Ricans U.S. citizenship and create a new framework of local government. Some thought the legislation meant Puerto Ricans were now incorporated and had constitutional rights, but in 1922 *Balzac v. Porto Rico* affirmed the island's unincorporated status. Torruella pointed to Alaska and Hawaii—considered incorporated by the Supreme Court—as examples of the double standard justices were promulgating.” **READ Comments:** “Reconsidering the Insular Cases.”; Key NOTE Speaker: “The Insular Cases: A Declaration of their Bankruptcy and My Harvard Pronouncement”. 2018-Harvard Law Review follows:

<https://harvardlawreview.org/2018/01/a-reply-to-the-notion-of-territorial-federalism/>

Harvard Law Review 2018: Federal Appeals Court-1st Circuit Judge Torruella wrote:

<https://harvardlawreview.org/2018/01/a-reply-to-the-notion-of-territorial-federalism/>

US Attorney General Dick Thornburgh (& Under Secretary of the United Nations)—in “THE STATUS OF PUERTO RICO A CONSTITUTIONAL FRAMEWORK FOR SELF-DETERMINATION” (2007) and in other Writings States: “Four million U.S. citizens live under the U.S. flag in Puerto Rico, yet they can neither

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vote for president nor have voting representation in Congress, which enacts the federal laws under which they live. Residents of Puerto Rico and other U.S. territories are deprived of basic rights of self-determination that U.S. citizens generally enjoy and that the United States has committed itself to achieving for peoples around the globe.”

“Political gridlock in Congress and in Puerto Rico has stymied efforts to put Puerto Rico on a path toward a permanent political status that ensures full self-government for its residents. If Congress does not act soon, U.S. courts may be asked to give more serious consideration to whether the residents of Puerto Rico and other U.S. territories have political and human rights under U.S. and international law that can no longer be ignored by the political branches of government.”

Besides, Thornburgh states: “The ruling of the Supreme Court in **Rogers v. Bellei** 401 U.S. 815 (1970), regarding the nature of statutory citizenship is consistent with the **conclusion that even a statutory extension of the Fourteenth Amendment to Puerto Rico could not limit the discretion of Congress to amend or repeal that statutory extension.**”

“Thus, the U.S. citizenship created under 8 U.S.C. §1402 does not and cannot offer the permanent or constitutional protection of the Fourteenth Amendment to the people of Puerto Rico. Similarly, the protection of persons born in a State of the Union under *Afroyim v. Rusk* 307 U.S. 253 (1967) would not prevent Congress from changing laws defining the citizenship of people born in Puerto Rico.”

US Supreme Court (Rabang Case--The Philippines-2003) state: In the “Insular Cases” the Supreme Court decided that the territorial scope of the phrase "the United States" as used in the Constitution is limited to the States of the Union. It is thus incorrect to extend citizenship to persons living in United States territories simply because the territories are "subject to the jurisdiction" or "within the dominion" of the United States, because those persons are not born "in the United States" within the meaning of the Fourteenth Amendment...

Current **US District Judge GELPÍ (Now President Puerto Rico Federal Court)**, in 2008, stated in a decision: “...The unequal and discriminatory fiscal treatment given to Puerto Rico...is conspicuous and egregious. More so, it is not an isolated incident of the federal government disparately treating Puerto Rico and the nearly four million United States citizens living in or moving to this territory.”

The Judge continues-Under the Insular Cases doctrine (*Balzac vs Porto Rico*-1922), the court determined that Puerto Rico was an unincorporated territory (more foreign than domestic); only fundamental constitutional rights (which aren't enumerated) extended to unincorporated United States territories apply, others can be denied by Congress...In an unincorporated United States territory Congress can also differentiate (discriminate) against the territory and its citizens so long as there exists a rational basis for such disparate treatment. [Califano v. Torres, \(1984\)](#); [Harris v. Rosario \(1980\)](#).

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Tuaua v. United States (June 2015) **US Court of Appeals-District of Columbia** ruled that the Fourteenth Amendment's guarantee of birthright citizenship does not apply to un-incorporated territories including American Samoa US Nationals, (and Puerto Rico-US Citizens)....

The DC Circuit, to reach their decision, agreed with the Obama Administration's lawyers, also, relied on and even expanded the scope of a set of racially-charged, Colonial-era “Insular Cases” that refer to Puerto Rico having "savages" and "alien races"..... Plus, that the Congress has the power to discriminate in applying the US Constitution to the Territories or Property that belongs to the US... to reach their decision.

They failed to provide more weight to the US Constitution Amendments over the undemocratic Territorial Clause...; allowed Terms (not found in the US Constitution)--Non-Incorporated; more foreign than domestic... to be unfairly applied to US Citizens.)

In 2016, the US Supreme Court, as it narrowly deliberated two Puerto Rico cases about PR sovereignty-- Sanchez Valle (Double Jeopardy) and Government of Puerto Rico (Debt Restructure)—decided that PR didn't have any type of Sovereignty because it was under the will of US Congress (Territorial Clause)... But, it was a narrow focused decision; the US Supreme Court didn't take the opportunity to act on wide basis on an Equal US Citizenship; the discriminatory roots of the Federal relationship with Puerto Rico.

Plus, the US Congress imposed a **Federal PROMESA Fiscal Board** over the elected Officials that include the Governor... again using its Territorial Clause undemocratic powers...

DEC 2017: The US President and the US Congress, in the Tax Reform Act, calls Corporations/ US Citizens-American Veterans in the US Territory of Puerto Rico Foreign; not Domestic...

2017-The US Congress appoints a PROMESA-Fiscal Board above the elected Governor and Officials of the US Territory of Puerto Rico.

2018-Federal Judge confirms Puerto Rico is a US Territory under the will of the US Congress. **President PR Federal District-Judge Gelpi**: In a 2018 opinion --[*U.S. v. Vaello-Madero*](#), (on SSI received in a State of the Union..., but, denied in Puerto Rico)-- Gelpi acknowledged that previous court cases (per racist and discriminatory Insular Cases—1901-1925+) had determined that Congress could treat Puerto Rico differently (discriminate) from States as long as there was “a rational basis” for those differences.

Gelpi decided against the Federal Government... He rightly argues-- “Classifying a group of the Nation’s poor and medically neediest United States citizens as ‘second tier’ simply because they reside in Puerto Rico is by no means rational.”

2019 (AUG)- AMERICAN CIVIL LIBERTIES UNION AND THE ACLU OF PUERTO RICO, SUPPORTING THE FIRST CIRCUIT’S RULING ON THE APPOINTMENTS CLAUSE ISSUE (AUG 2019) (BRIEF AMICI CURIAE)- SUMMARY OF ARGUMENT--

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The Insular Cases, which impose second-class constitutional status on all who live in so-called “unincorporated” territories, explicitly rest on outdated racist assumptions about the inferiority of “alien races,” and depart in unprincipled ways from the fundamental constitutional tenet of limited government.

Handed down at the turn of the last century after a burst of overseas expansion, the Insular Cases created an untenable distinction between “incorporated” and “unincorporated” U.S. territories. Incorporated territories such as Alaska were destined for statehood, the Court assumed, and the Constitution applied in full there. In “unincorporated” territories, however, those not bound for statehood, the Constitution applied only “in part.” *Boumediene v. Bush*, 553 U.S. 723, 757 (2008).

That double standard was never grounded in the Constitution’s text, was intended to be temporary, and was expressly justified by racist assumptions about the territories’ inhabitants. Yet to this day, the doctrine the Insular Cases set forth casts a pall on the rights of residents of Puerto Rico, including more than three million U.S. citizens, and close to 500,000 more in other so-called “unincorporated” territories.

PRESIDENTIAL-US JUSTICE DEPARTMENT REPORTS

President GW Bush Task Force on Puerto Rico Status Report Highlights: The inter-agency Task Force Report on PR Status was commissioned by President Clinton; continued under **President GW. Bush**, was released in December 2005/ re-visited in 2007--after 7+ years of research, law reviews...; some objective findings are quoted below (which were not disputed by President Obama’s TF Report or the Justice Department position-as ratified by US Supreme Court 2016 decisions) or have they been refuted by the current President/US Justice Department or US Congress (GAO) or any Supreme Court Decision or other jurisprudence:

“If P.R. were to become independent ”... those...who had U.S. Citizenship only by statute would cease to be citizens of the United States, unless a different rule were prescribed by legislation or treaty...” (Page 9)

(NOTE: Our Constitution only mentions two forms of permanent Citizenship: if you are born in a State or if you are “Naturalized” –in a State. It doesn’t mention “statutory citizenship” or that it can be extended by Treaty to another Independent Nation.... Besides, you can’t be a sovereign Nation with the Citizenship of another Nation! Where would the loyalty lie? Congress, in 1917, imposed this “statutory” American Citizenship through a Statue/Law that a future Congress can rescind...; the US Constitution is not equally applied to PR. Thus, some U.S. Citizens may not have the same equal/permanent Constitutional American Citizenship as others—born in the States or Naturalized...)

“...for entities under the sovereignty of the United States, the only constitutional options are to be a State or Territory.”

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(NOTE: There are only 4 mayor forms of Government/Status under the US Constitution, one for: States, Territories, District of Colombia, and Indian Tribes... “Commonwealth” or “Free Associated State” terms - are politically distorted Terms NOT found in the US Constitution ...)

“Puerto Rico, for purposes under the U.S. Constitution, is a Territory...it is, therefore, subject to congressional authority, under the Constitution’s Territorial Clause.”

(NOTE: Per US Supreme Court determination (1922). This means that P.R. remains a U.S. Territory subordinate to all Federal Laws...; under the unilateral control of Congress -- which has not permitted those American Citizens living in PR a vote to choose another status; a vote in Federal elections...nor have just representation in Congress... Remember that-- Puerto Ricans are already National U.S. Citizens that live under US jurisdiction; not “Territorial” PR Citizens.)

“The existing form of Government in P.R. is often described as a “Commonwealth”, and this term recognizes the powers of self-government that Congress has allowed.”

(NOTE: Commonwealth or the Spanish translation “Free Associated State”=“Estado Libre Asociado” (ELA), is not the Constitutional Status of PR, but an incongruent/ conflictive political (mean nothing) terms not found in the US Constitution given to the Government of Puerto Rico not the Status. We need to stop fooling People! This political (ELA) term refers to the self- local regulated territory government that is still subordinate to the U.S. Government (application of Federal Laws under the will of Congress...; US Constitution: PR is not Free, not Associated, and not a State! People that use these terms are supporting a lie; perpetuating suppression of Civil Rights...!

“Congress may continue the current system, but it also may revise or revoke it at any time.” (NOTE: Congress has unilateral un-democratic tyrannical control of the trite U.S. Territory of Puerto Rico—there is no P.R. just voting representation in Congress...the US Supreme Court during America’s racist era, has determined that the Congress can set aside some non-basic Constitutional rights...allowing an un-equal US Citizenship under the American Flag...)

“...a mutual-consent provision would be unenforceable and could not guarantee that any given political status or agreement would be permanent”.

(NOTE: Remember, a current Congress can’t bind a future Congress... There can’t be any true autonomy or pacts under the Territorial Clause because P.R. “belongs to”/ is a possession of the United States... P.R. has neither sovereignty... nor true autonomy. Only through independence can P.R. enact a true pact with the U.S.)

“The Federal Government may relinquish U.S. sovereignty by granting independence or ceding the Territory to another nation; or it may, as the Constitution provides, admit a territory as a State thus making the Territory Clause inapplicable...”

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(NOTE: Only non-territorial options are: Statehood or Independence. A form of independence like: Associated Republic with a PACT, can maintain P.R. closely associated with the U.S., but, P.R. would have to cede certain sovereign powers in exchange for benefits...another shade of gray? Can't keep a permanent U.S. Citizenship with equal individual civil rights...; but, would lose US Citizenship...)

President GW Bush TF Recommendations include for Congress to conduct two federally sanctioned Plebiscites: one a yes or no vote on maintaining the Territorial Status under the will of Congress; if no, a vote on non-territorial options: Statehood or Independence... until the issue is resolved.

NOTE: In a local Plebiscite (2012), Puerto Ricans voted for a non-Territorial Status... Statehood received 61+%; Independence 5%... In all previous Plebiscite and in local Elections, Independence receives around 2-3% (average)... Thus, Puerto Ricans cherish their US Citizenship..., but, many are confused as to the true Constitutional Status...In another Plebiscite (2017-Statehood won again.

Even **President Obama's Administration** has stated in a brief filed (13 August 2014) with the U.S. Court of Appeals for the District of Columbia Circuit (Tuana v. US) that, essentially, **“Puerto Ricans can only obtain citizenship through the Constitution — versus through law — by Puerto Rico becoming a State or by being put on the path to statehood by Congress”**. This means Puerto Ricans born in “unincorporated” Puerto Rico have a non-permanent statutory (by law only) US Citizenship no matter where they reside. Extract:

“In a case concerning **American Samoa, the Justice Department explained that 14th Amendment citizenship** does not apply in a territory that has not “been incorporated into the United States as a part thereof” but “is simply held . . . under the sovereignty of the United States as a possession or dependency,” using the words of the U.S. Supreme Court. (It identified Puerto Rico as another unincorporated territory).”

“Of even **broader relevance for Puerto Rico's territory status**, the Obama Justice Department noted, again quoting the Supreme Court, that Congress “has full and complete legislative authority over” territories and “*may* do for the Territories what the people, under the Constitution of the United States, may do for the States.”

“It emphasized that, **“the responsibility of Congress to govern this nation's territories has long been recognized and respected by the Courts.”**

“Machen's brief also pointed out that **Congress has the “legislative discretion” to grant “privileges” to those born in “the outlying possessions” as it “sees fit,”** recalling that “the Supreme Court has never found that the Congress *must* bestow all of the same panoply of privileges upon those born in the outlying possessions that the Constitution bestows on those born in the United States.”

“U.S. citizenship is granted to individuals born in Puerto Rico, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, another **unincorporated territory, by law.**”

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OTHER FACTS

Among other distinguished Supreme Court Judges/ Law Scholars that have criticized the Insular Cases is Former **Chief Justice of the Puerto Rico Supreme Court** [José Trías Monge](#) has stated that "The *Insular Cases* were based on premises that in today's world seem bizarre.^[9] "They," Trias Monge continues, "and the policies on which they rest, answer to the following notions: "democracy and colonialism are fully compatible; there is nothing wrong when a democracy such as the United States engages in the business of governing other [subjects who have not participated in their democratic election process]; people are not created equal, some races being superior to others."

According to the Compact/ Treaty, and Department of Home Land Security Fact Sheet-- on the Status of Citizens of the Freely Associated States-- the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and Palau- ESTABLISH they are **Independent Nations**, with a special relationship with the United States... Also, it states--**Free Associated State- Citizenship/Status**: Palau, RMI or FSM-- **are not citizens or nationals of the United States...**

US “WE THE PEOPLE” CONSTITUTION

The 14th Amendment states: “All Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the US and of the State wherein they reside...”

The 14th Amendment doesn't mention “Territory” or being born as a statutory US Citizen in an “un-incorporated” US Territory... It mentions you are a US Citizen of the “State wherein they reside...” Thus, protecting those born in the States or Naturalized in the States; and not protecting statutory US Citizenship which is at the will of US Congress...

Plus, it doesn't say that a statutory US Citizenship can be given, by the US Congress, to an Independent sovereign Nation (with Free Association—a term that isn't in the US Constitution...) by a Pact or Treaty....

Thus, there are no Constitutional grounds to prevent our US Congress (from exercising its powers under the Territorial Clause, and US Supreme Court decisions-Insular Cases...) to grant or revoke a Territorial Law, including a statutory (by Law) US Citizenship in the US Territory of Puerto Rico. Besides, Puerto Ricans are included in a separate Statue in Code 8 USC CHAPTER 12 (See below); not under the General Clause or in Part two of Naturalization... Congress can amend or revoke the Laws it makes pertaining to an unincorporated US Territory... It has done so many times...

Due Process: “The **Fifth** and **Fourteenth** Amendments to the **US Constitution** each contain a **Due Process Clause**. Due process deals with the administration of justice and thus the Due Process Clause acts as a safeguard from arbitrary denial of life, liberty, or property by the Government outside the sanction of

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law. The Supreme Court of the United States interprets the Clauses as providing four protections: procedural due process (in civil and criminal proceedings), substantive due process, a prohibition against vague laws, and as the vehicle for the incorporation of the Bill of Rights.”

But, some say it doesn't cover suffrage...the right to vote in political elections...

XV Amendment-Right to Vote: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. “The Congress shall have power to enforce this article by appropriate legislation.” (It doesn't mention “unincorporated” US Territory, like Puerto Rico...)

"Does the Constitution follow the flag?" Essentially, the **Supreme Court** has said-- that **full constitutional rights did not automatically extend to all areas under American control**. The "deepest ramification" of the **Insular Cases** is that inhabitants of **unincorporated** territories such as Puerto Rico, "even if they are U.S. Citizens", may have no constitutional rights, such as to remain part of the United States if the United States chooses to engage in de-annexation... (See Insular Cases which have not been overturned).

Today, we own our US Constitution left to us by our Founding Fathers (which facts are some were racists; owned slaves; but, also did a lot of good)...

It is a FACT that the original US Constitution lacked Equality (Women, Blacks, Hispanics and Others could not Vote). The Amendments-Bill of Rights tried to correct this...but, even today suffer misinterpretation...

Thus, after about 230 years, it's time to-- do and US Citizen Equal Rights Amendment or hold a “Constitutional Convention” to keep the good things; have Article One pertain to the “People's Equal Rights” which should come first; nothing left to interpretation...

According to our US Constitution there are only four **forms of government** under the sovereignty of the US: one for States; one for Territories (per Territorial Clause); one for Indian (Native) Tribes; and one for the District of Columbia. Puerto Rico falls under Territory.

The US Constitution doesn't mention neither **“Commonwealth nor “ELA-Free Associated State”- “Estado Libre Asociado”**. (These Terms are a political distorted smoke screen used to confuse; fool People as to the true Territorial Status of PR.)

US Congress, under the territorial Clause, can maintain the Federal undemocratic TERRITORIAL Status; grant STATEHOOD (with State Boricua Identity; State Sovereignty-guaranteed US Citizenship...) or INDEPENDENCE (Without or With a PACT- Free Association-PR Citizenship...) (Remember a Nation can't be Sovereign with the Citizenship of another Nation...)

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The Federal Government must interpret our great US Constitution, with its Amendments (Bill of Rights) that should be paramount over the original 1789 US Constitution that had inequality parts--where Women, Blacks, Slaves, Hispanics/Latinos... could not Vote...

Today, we own our US Constitution left to us by our Founding Fathers (which facts are some were racists; owned slaves; but, also did a lot of good)... It is a FACT that the original US Constitution lacked Equality (Women, Blacks, Hispanics...could not Vote). The Amendments-bill of Rights tried to correct this...but, even today suffer misinterpretation...

Congress can, under the Territorial Clause, give Puerto Rico-STATEHOOD (with full and permanent US Citizenship) or INDEPENDENCE (without or with a PACT of Free Association-with Puerto Rican Citizenship)...

The 14th nor 15th (Right to Vote) Amendments or the US Constitution doesn't mention that US Congress can give a US Citizenship by Treaty or Pact to an Independent Sovereign Nation...!

Reminding the reader of the Insular Cases, which decided that the U.S. Constitution doesn't apply entirely to unincorporated territories like Puerto Rico.

FEDERAL CODES

8 USC Code, CH 12, SUB-CH III: NATIONALITY & NATURALIZATION-can be amended or revoked by US Congress).

***Part I- Nationality at Birth and Collective Naturalization:**

Code §1401. Nationals and citizens of United States at birth US Citizenship (Covers all US Citizens--including Sen. McCain, but, not statutory US Citizens which are covered under a different Status... (Maybe so it can be easier to amend, revoke or change in the future...?))

Code §1402: “All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are Citizens of the US at birth.” ****NOTE:** Statutory US Citizenship is by a Law that can be revoked and it is not by “birthright”... nor fully protected by the 14th Amendment nor Due Process (which doesn't cover suffrage...; see below.)

****The question--**Why wasn't the statutory US Citizens from the “unincorporated” US Territory of Puerto Rico included in the amended Part I §1401-- that includes all other Citizens of the US as “birthright” and “*jus soli*” (*right of soil*)? Answer: Statutory US Citizenship is revocable...!

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***Part II: Nationality Through Naturalization**-doesn't mention statutory US Citizenship or Territories...

US Citizenship: 8 U.S.C. Code (1941...)- Comments:

US at birth **Citizenship-for statutory US Citizens** is under Part I; **NOT under Part II Nationality through Naturalization...** (Remember, any Statute or Law can be amended or revoked by US Congress, based on the Territorial Clause, Insular Cases...) as it applies to statutory US Citizenship...) Plus, it doesn't mention "birthright"...

The 8 U.S.C. doesn't mention or states that statutory US Citizenship is permanent...

Based on the Territorial Clause and Insular Cases-- Congress merely extended a statutory or legislative form of birthright citizenship to Puerto Rico, not fully protected by the US Constitution...; has never explicitly recognized the full extension of the 14th Amendment to Puerto Rico... in this Statute.

Even if the US Congress has taken steps to "incorporate" Puerto Rico, Territories (incorporated or unincorporated) are not reflected in the 14th Amendment that only mentions "...and the States there-in..."

When the Constitution of Puerto Rico, authorized by the 1950 Federal Relations Act, was being approved in 1952, Congress again revised the statutory U.S. citizenship provision for Puerto Ricans in Section 302 of the Immigration and Nationality Act. The revision of U.S. citizenship for Puerto Ricans was codified at 8 U.S.C S 1402, and Congress has chosen not to amend that provision further since 1952." (But, under the Territorial Clause, it can amend or revoke a statutory US Citizenship not fully protected by the 14th Amendment.)

TITLE 26—INTERNAL REVENUE CODE

§ 2208. Certain residents of possessions considered citizens of the United States A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a "citizen" of the United States within the meaning of that term wherever used in this title **UNLESS he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States....** Effective Date of 1958 Amendment note under section 2011 of this title.

§ 2209. Certain residents of possessions considered nonresidents not citizens of the United States A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a "nonresident not a citizen of the United States" within the meaning of that term wherever used in this title, but only if such person acquired his United States citizenship solely by reason of (1) his being a citizen of such possession

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of the United States, or (2) his birth or residence within such possession of the United States. (Added Pub. L. 86–779,)

Federal Court Rejects Second Class Citizenship for Puerto Rico (2018)

Federal Chief District Judge Gelpi, a Patriot of true Grit, does right!!!! This is a monumental decision to stop Federal discrimination (since 1898-over 120 years) against Puerto Ricans; a big step to get FAIR Treatment-Equal Rights for fellow US Citizens-American Veterans in the Federal un-democratic US Territory of Puerto Rico! This and other sources; jurisprudence supports my Research on this!

In a 2018 opinion --[*U.S. v. Vaello-Madero*](#), on SSI received in a State of the Union..., but, denied in Puerto Rico)-- Gelpi acknowledged that previous court cases (per racist and discriminatory Insular Cases—1901-1925+) had determined that Congress could treat Puerto Rico differently (discriminate) from States as long as there was “a rational basis” for those differences.

EXTRACTS Article: The case, [*U.S. v. Vaello-Madero*](#), looked at an individual who lost his Social Security Supplemental Security Income (SSI) benefits when he moved to Puerto Rico. He continued to receive the benefits for several years, since he (and apparently the Social Security Administration) didn’t realize that he wasn’t supposed to receive them. When Social Security sued for payback of their \$28,081, Vaello-Madero sued them instead. The judge agreed that it wasn’t right that he should lose his benefits because he moved to a territory.

Gelpi, counter attacks by deciding against the Federal Government... He rightly argues-- “Classifying a group of the Nation’s poor and medically neediest United States citizens as ‘second tier’ simply because they reside in Puerto Rico is by no means rational.”

Gelpi also pointed out that the United States never considers the cost of a program in determining which states should be covered under any program. Since this information is not used in decisions about states, he said, it is not rational to use it in decisions about territories.

Gelpi continues with a searing patriotic statement---“It is in the Court’s responsibility to protect these rights if the other branches do not,” he said of the protection offered by the U.S. Constitution.

“Allowing a United States citizen in Puerto Rico that is poor and disabled to be denied SSI disability payments creates an impermissible second rate citizenship akin to that premised on race and amounts to Congress switching off the Constitution. All United States citizens must trust that their fundamental constitutional rights will be safeguarded everywhere within the Nation, be in a State or Territory.”

Besides, Gelpi says--“There is increased national awareness of [Puerto Rico’s] existence and political consensus against its disparate treatment.” In other words, more Americans now know that Puerto Rico is a Territory that is not treated equally/the same as States.

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The Insular Cases, often used to justify discrimination against Puerto Rico, determined that the U.S. Constitution didn't have to apply to Puerto Rico in exactly the same way it applied to states. (That is discrimination!) Only “fundamental rights” apply. However, the court never said which rights were fundamental. Gelpi says, “Equal Protection and Due Process are fundamental rights afforded to every United States citizen, including those who under the United States flag make Puerto Rico their home.”

Gelpi further states, that Congress doesn't get to create second class citizenship conditions. “To hold otherwise would run afoul of the sacrosanct principle embodied in the Declaration of Independence that ‘All Men are Created Equal’.”

He notes that the position of a Territory is a powerless one. “United States citizens residing in Puerto Rico are the very essence of a politically powerless group, with no Presidential nor Congressional vote, and with only a non-voting Resident Commissioner representing their interests in Congress.”

Judge Gelpi concludes that it is even more important to protect the rights of people in Puerto Rico because of this. Puerto Rico has been a powerless Territory for too long. It is time for Statehood.

US SUPREME COURT INSULAR CASES

***SEE Insular Cases**, hence, oftentimes include (with about 2/3 decided Puerto Rico issues): *DeLima v. Bidwell*, 182 U.S. 1 (1901) Argued: January 8–11, 1901 Decided: May 27, 1901; *Goetze v. United States*, 182 U.S. 221 (1901) Argued: December 17–20, 1900; January 14–15, 1901. Decided: May 27, 1901; *Armstrong v. United States*, 182 U.S. 243 (1901) Argued: January 8–11, 1901. Decided: May 27, 1901; *Downes v. Bidwell*, 182 U.S. 244 (1901) Argued: January 8–11, 1901. Decided: May 27, 1901; *Huus v. New York & Porto Rico S.S. Co.*, 182 U.S. 392 (1901) Argued: January 11, 14, 1901. Decided: May 27, 1901; *Dooley v. United States*, 183 U.S. 151 (1901) Argued: January 8–11, 1901. Decided: December 2, 1901; *Fourteen Diamond Rings v. United States*, 183 U.S. 176 (1901) Argued: December 17–20, 1900. Decided: December 2, 1901; *Hawaii v. Mankichi*, 190 U.S. 197 (1903); *Kepner v. United States*, 195 U.S. 100 (1904); *Dorr v. United States*, 195 U.S. 138 (1904); *Gonzales v. Williams*, 192 U.S. 1 (1904); *Rasmussen v. United States*, 197 U.S. 516 (1905); *Dowdell v. United States*, 221 U.S. 325 (1911); *Ocampo v. United States*, 234 U.S. 91 (1914); *Balzac v. Porto Rico*, 258 U.S. 298 (1922); *Torres v. Puerto Rico*, 442 U.S. 465 (1979)

***NOTE:** Our Constitution only mentions two forms of permanent Citizenship: if you are born in a State or if you are “Naturalized” –in a State. It doesn't mention “statutory citizenship” or that it can be extended by Treaty to another Independent Nation.... Besides, you can't be a sovereign Nation with the Citizenship of another Nation! Where would the loyalty lie? Congress, in 1917, imposed this “statutory” 2d Class US Citizenship through a Statue/Law that a future Congress can rescind...; the US Constitution is

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not equally applied to PR. Thus, some U.S. Citizens may not have the same equal/ permanent Constitutional American Citizenship as others—born in the States or Naturalized in a State...



Date: April 12, 2021

To: Congressman Grijalva, AZ 3rd district

From: Young Professionals for Puerto Rico Statehood (YPPRS)

Re: Working Together on a Resolution for Statehood

Congressman Grijalva,

We are a non-profit corporation called Young Professionals for Puerto Rico Statehood (YPPRS). As our name suggests, our mission is to assist congressional leaders in drafting a resolution that incorporates Puerto Rico as a State. As part of this process, we would greatly appreciate an opportunity to schedule an introductory phone call or virtual meeting at your convenience.

In this meeting, we will propose statehood benefits and clarify common misconceptions surrounding the idea, like the disparate tax treatment afforded to residents. We have heard your concerns about the tax incentives provided under Acts 20-22, and we acknowledge them. As such, we would be happy to work with you to discuss the issue, including proposals to mitigate it while stimulating Puerto Rico's economic development.

As a State, Puerto Rico would receive equal federal funding for Medicare, SSI, and SNAP benefits. In turn, this would improve the education, health, and quality of life for millions of low-income US citizens while alleviating the island's massive income inequality.

Of 245 years of US history, Puerto Rico has shared 123, proudly representing the American flag in the military, workforce, and Congress. Moreover, Puerto Rico's robust manufacturing sector can attract many US businesses, particularly pharmaceuticals, to conduct their activities onshore, reducing the nation's supply chain dependency on China and creating well-paying American jobs.

The United States passed the Enabling Act of 1802, which provided Congress with guidelines for incorporating new states into the Union. Often, Congress would require certain conditions to be met before admission, with Congress acting as the judge on whether the territory would be admitted. Further, Article IV, Section 3 of the US Constitution grants Congress general and plenary power over Puerto Rico. As such, a resolution approved by a majority vote in Congress is required to incorporate Puerto Rico.



Hawaii was the last state to be incorporated over 60 years ago, in August 1959, following a referendum on statehood approved by its citizens. Likewise, Puerto Rico has had three referendums since 2012, where statehood has been the favored option by over 50% of the population. In the last plebiscite/referendum in November 2020, 53% of voters favored statehood. Further, Puerto Ricans have bravely risked their lives for the American flag in every conflict since WWI, contributing 375,000 veterans and over 1,200, giving the last full measure of devotion.

The US has historically been a diverse and inclusive nation, with minorities expected to become the primary demographic group soon. The Democratic Party holds the mantle for representing these diverse communities through their legislation, congressional representation, and civil rights support. Thus, we urge you and other Democrats to collaborate with us to advocate for Puerto Rico and draft a resolution incorporating Puerto Rico as a new State. Such action would cement the Democratic Party's role as the party for minorities and its place in history.

As stated above, we are dedicated to working with Congress to finding solutions and eliminating obstacles impeding our goal of statehood for Puerto Rico. Through constructive proposals, substantive discussions, and active community engagement, we hope to collaborate to achieve this historical result that would be mutually beneficial for Puerto Rico and the United States of America.

Thank you, and we look forward to speaking with you.

Pedro Rodriguez

Pedro Rodriguez

Executive Director

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