

## TESTIMONY

On House Resolution 279  
Submitted by  
Donna M. Christensen, MD  
At the Full Committee Hearing

May 11, 2021

Greetings, and thank you Chairman Grijalva and Ranking Member Westerman for holding this important hearing on resolution H. Res. 279 and Congressman Sablan for chairing it. And thank you also to you, Chairman Grijalva and the Territorial Members of Congress for introducing this resolution which rejects the decisions of the infamous insular cases. It is long past the time when these decisions which have been a millstone on the necks, and more importantly the aspirations of Americans living in United States Territories, to be erased from the annals of jurisprudence. I expect every member of Congress to support this bipartisan Resolution.

With every step attempted towards the full enjoyment of US citizenship, the decisions embodied in these opinions/decisions have “spit in the face” of the people of American Samoa, Guam, Puerto Rico, Northern Marianas and the Virgin Islands.

It has happened over and over again. As late as 2014 the US Department of Justice’s opinion brief determined, based on the precedent of the Insular cases, that US Citizenship for us is not a fundamental right but under the jurisdiction of Congress to decide. I was outraged and in response I wrote the following in a letter to President Obama:

“It is more than a hundred years since the Supreme Court decisions known as the insular cases cemented the racist beliefs regarding the residents of the offshore Territories and whether they were ‘worthy’ of enjoying all the benefits of our Constitution. I hope you would agree that it is time we discard this unfortunate vestige of 19th Century thinking and recognize the natural citizenship and contributions of Americans born in and living in the territories, which Tuaua v. United States is seeking to do.”

This country and United States highest Court must once and for all acknowledge that we are not “alien races” but we are passionately patriotic Americans who have served in every war since the Revolution and whose peoples have contributed, and continue to contribute, to this nation of ours in countless, varied and significant ways. It maybe of Interest to know that the first draft of a flag for the 13 colonies was designed by a forbearer of a Virgin Islander who also reportedly fought in the American Revolution.

The Insular cases have been decried by justices and legal and constitutional scholars who have demonstrated that these decisions are totally inconsistent with the tenets of the Constitution of the United States.

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H. Res. 279 takes the first critical step so that Americans like my family and others would no longer have to continue to live under dubious and uncertain citizenship. We are born under the US Flag and therefore are fundamentally US citizens.

In this more enlightened time, I expect that no other opinions or decisions by this administration would be based on the Insular cases as precedent. In addition, Congress should examine its authority and responsibility to overturn a proven unconstitutional Supreme Court decision by legislation or amendment. But, most importantly, it is not unheard of for the Supreme Court to overrule opinions. The Court overruled Plessy v Ferguson with their opinion in Brown v. The Board of Education. As late as 2018 it overruled hundreds of previous opinions. Surely this should have been done then, but it is my fervent hope that the passage of this Resolution will be the needed impetus for the Court to take that action now. These un-American, unconstitutional and racist opinions must not be allowed to stand for one more season.

We are natural born United States citizens and the travesty inflicted upon us by these decisions must no longer be allowed to deny us our birthright!

It is equally important that with the passage of H. Res. 279, the right and process to determine any future relationship with our Mother Country be left to the people of the individual Territories.

Thank you again, Chairman Grijalva for the opportunity to submit this testimony for the Record.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Donna M. Christensen". The signature is fluid and cursive, written in a professional style.

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