I want to begin by thanking our impressive list of witnesses for being here today, including my colleague from the Virgin Islands, Congresswoman Stacey Plaskett, and Lieutenant Governor Ale from American Samoa.

I would also like to welcome the Vice Speaker of the Guam Legislature, Tina Muña Barnes, and distinguished academics, Dr. Daniel Immerwahr, Dr. Peter Watson, and the Marianas' own Professor Rose Cuison-Villazor.

Lastly, welcome to Mr. Neil Weare, former staff of the US House of Representatives and now President of Equally American.

Today's witnesses will be discussing H. Res. 279, which would place the U.S. House of Representatives on record as rejecting the racist reasoning of the Insular Cases.

These cases are a series of Supreme Court decisions concerning the constitutional rights of residents of the overseas territories the U.S. acquired in the Treaty of Paris in 1898, namely Puerto Rico, Guam, and the Philippines. But the Insular Cases have, also, been used to determine rights in the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands, right up to the present day.

The explicit reasoning behind the most famous of the cases, *Downs v. Bidwell*, in 1901, was that the new territories are "inhabited by alien races" that could not be governed by Anglo-Saxon principles.

Ever since, the Insular Cases have been used to block Territorial efforts for equal treatment in essential federal programs from Medicaid and Food Stamps to SSI – Supplemental Security Income.

It is true that the Territorial Clause – Article 4, Section 3 of the U.S. Constitution – which gives Congress the power to make all needful rules respecting the territory or other property of the United States provided a judicial basis for the Insular Cases.

But the theory that some territories are "incorporated" into the United States and, therefore, the Constitution applies there in full, while other territories are "unincorporated," without the full protection of the Constitution, was invented by the Supreme Court.

That "territorial incorporation doctrine" was based on the same racial views and stereotypes that led to the notorious *Plessy v. Ferguson* decision in 1896 that gave us the "separate but equal doctrine" and segregation.

Plessy v. Ferguson has, of course, been overturned in the modern era. The Insular Cases, however, relics of the racist views of the 19th century, which have no place in our Nation today, are still in active use by the courts.

H. Res. 279 puts the House on record in favor of overturning the Insular Cases.

We recognize, however, this must be done in a manner that respects the uniqueness of each territory.

In American Samoa, for instance, we must take care to craft a solution that allows the U.S. Nationals to be treated as U.S. citizens under some federal laws, while preserving the local Matai culture.

In the Marianas, my home district, the courts used the Insular Cases to justify the seeming incompatibility of the equal protection guarantee of the 14th Amendment with the restriction on land

ownership only to persons of Northern Marianas descent in Article XII of the Marianas Constitution.

This is a thirty-year-old decision, which may sit on shaky ground, given more recent rulings on racial classifications and the conservative bent of today's judiciary. I look forward to what our witnesses have to say about the wisdom of relying on the Insular Cases to protect Article XII.

Again, thank you all for being with us today. I look forward to receiving your testimony.

569 words ~ 5 minutes