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June 11, 2021

c/o email: raul.grijalva@mail.house.gov

Hon. Raul Grijalva
House Committee on Natural Resources
U.S. 2302 Rayburn House Office Building
Washington, DC 20515

RE: WRITTEN TESTIMONY FOR COMMITTEE ON PUERTO RICO'S
TERRITORIAL STATUS
P.R. SELF DETERMINATION ACT
STATEHOOD ADMISSION ACT

Dear Congressman Grijalva:

I was born in Puerto Rico, U.S.A., and, I am an American citizen resident of Puerto Rico. I am sending this written testimony in opposition to the proposed "Self Determination Act., which is not constitutionally viable, and to support the Puerto Rico Statehood Admission Act. It is the only political alternative that fits in the U.S. Constitutional Framework, and it is 122 years overdue.

As you know, Puerto Rico has been a part of the United States since 1898. For 122 years we have been under the U.S. Government discriminatory practice of being denied the

right to vote in Federal Elections, and of government without the consent of the governed. (3.4 million American Citizens by birth). We are also subject to unequal treatment in economic policies implemented by Congress for the states, which have moved Puerto Rico into bankruptcy. Moreover, for some cases the Federal Courts apply the U. S. Constitution, and not for others. (Consider, for example: the stance of the US DOJ in *US v. Vaello*, USSC #20-303, now before the Court, opposing equal protection treatment for Puerto Rico in the SSSI benefits; versus, President's Biden support for applicability of the SSSI; versus, the USDOJ stance in the case of *US v PR Police Dept.*, 922-FS 2nd 185 (2013), requiring Puerto Rico, under a penalty payment of 100 million dollars, to train police to secure U.S. equal protection and due process rights. Such are the constitutional contradictions the Congress is allowing for legal and economic treatment for 3.3 million American Citizens. (See *San Juan Star Article enclosed*). Ironically, we pay more than \$3 billion dollars a year in federal taxes, more than some states and many state regions. (IRS Highlights 2020). Moreover, Congress grants annually billions of dollars to foreign countries, and can also implement federal taxes in Puerto Rico as to the states, at will.

The Committee of Natural Resources you preside, has expressed interest in pursuing Congressional action in the issue of the political status of Puerto Rico. I suggest that you consider as the most viable alternative that Puerto Rico be certified as an incorporated territory first, which de facto it is. Notwithstanding incorporation is not permanent, therefore Congress should simultaneously resolved to move Puerto Rico in transit to statehood at a definite date. Certification of Incorporation would make the U.S. Constitution fully applicable, and would give us parity with federal funds as if Puerto Rico were a state. We qualify for incorporation by having been assimilated more than any other U.S. Territory

before becoming a state. Although there may be conflicting views of what is the political relation of Puerto Rico to the United States, due to the reality that we are still not a state, Congress has assimilated us gradually since 1898 into a federalist relation to be like a de facto incorporated territory. (See: G. Igartua, The “de facto” Incorporated Territory U.S. of Puerto Rico. A copy of the Book was mailed to you a few months ago, and one was mailed to the Committee).

I respectfully suggest that you consider proposing to Congress to declare Puerto Rico officially an Incorporated Territory of the United States in transit to statehood. (See Petition enclosed - Annex A). It is the only political alternative that fits into the U. S. Constitutional framework, it is 122 years overdue. Rather than holding more hearings on what we could hypothetically be, which is discriminatory, our political and civil rights must be recognized by Congress based on what we are, 3.4 American citizens by birth residents of a de facto incorporated territory. Incorporation was recently supported unanimously by the National Association of U.S. Mayors. (*Annex B*). (See also, *Consejo de Salud Playa de Ponce v Rullan*, 586 FS 2nd 22 (2008)).

No one in Puerto Rico wants independence, nor continue to be confused with political status alternatives which do not fit within the U.S. constitutional framework. No one in Puerto Rico wants to renounce their American Citizenship. A Republic of American citizens would be a matter of national security concern. (3.3 million Residing in Puerto Rico, 5 million residing in states). Many are confused by the daily practice of uncertainty brought by the questioning about what our rights are as American citizens, or could be. Consider within this context the “Puerto Rico Self Determination Act” proposed for American citizens after 122 years under our American flag. Were African-Americans subjected, or should be

subjected, to hearings on whether they would like to be slaves again, or be moved to a Country in Africa?. Should Mexican –Americans be asked whether they would like to renounce their American Citizenship to Mexican and be moved back to Mexico, or should their American citizenship status be questioned, as your Committee is doing with us in Puerto Rico in 2021? Insulting to the American citizens of Puerto Rico to be forced to participate in a plebiscite on whether these vote for independence, not for equality as American citizens.

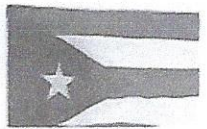
Consider as constitutionally viable only to start holding hearings on how the American Citizens residents of Puerto Rico can have equal rights and government by the consent of the governed. (*U.S. Constitution Amendments XIV and XV*). Congressman Grijalva, statehood for you, for Congresswomen Velazquez and Ocasio, for all the members of your Committee, for all Congressmen, and statehood for us the American citizens residents of Puerto Rico. Time is of the essence.

I respectfully request to be allowed to participate in the June 16, 2021, hearing your Committee has scheduled on this subject, and in support of our American Citizenship rights.

Sincerely yours,
s/Gregorio Igartua
Gregorio Igartua



Note – Please provide a copy of this letter to all member of the Committee of Natural Recourses. Please make this written testimony part of the Official Record of the hearing on Puerto Rico’s Territorial Status scheduled by the Committee for April 14, 2021.



PETITION

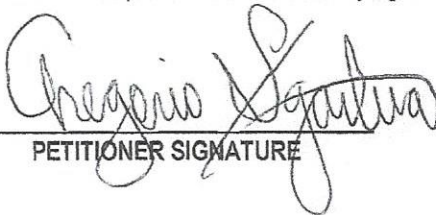
ADDRESSED TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CERTIFY PUERTO RICO WITH A JOINT RESOLUTION AS AN INCORPORATED TERRITORY OF THE UNITED STATES IN TRANSIT TO STATEHOOD

- WHEREAS:** Puerto Rico became a United States of America territory in 1898 by the Treaty of Paris, which provided that: "... the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." Immediately the native inhabitants became Nationals under the Custody and "Parens Patriae" of the United States of America.
- WHEREAS:** In 1917, the residents of Puerto Rico were granted United States American citizenship, by their own free and voluntary election, and after 1941 by birth, as disposed by Congress, enacting laws to such effect. To this date, three point four millions United States American Citizens reside in Puerto Rico and five millions have moved their residence to the mainland, were they have worked and are still working in building our Nation.
- WHEREAS:** Since 1917, the United States American Citizens of Puerto Rico have demonstrated their loyalty to the United States of America and to democracy by serving with dedication and honor in all armed conflicts in the Armed Forces of our Country, without the right to vote for their Commander in Chief, including many of them by dying in these conflicts.
- WHEREAS:** In 1952, the United States American Citizens of Puerto Rico constituted themselves into a Republican form of government in compliance with Article IV, Section 4, Constitution of the United States of America, similarly as the process used for former territories to become states of the Nation. In the Constitution of 1952, the citizens by direct vote swore their loyalty to their United States American citizenship, to the Constitution the United States of America and accepted to be under the Supremacy Clause of the Constitution, with reference to the National Government as are states under federalism.
- WHEREAS:** The United States American Citizens of Puerto Rico are subject to the jurisdiction of all three Branches of the Government of the United States of America. The Puerto Rico Federal Courts are Article III of the U.S. Constitution.
- WHEREAS:** All income from sources outside of Puerto Rico is subject to federal taxation, and the United States American Citizens residing in Puerto Rico contribute billions of dollars to the Federal Treasury paying more in federal taxes than residents of various regions in the fifty states without representation.
- WHEREAS:** In the quadrennial elections, held since 1964, ninety five percent (95%) or more of the voters have chosen permanent union with the United States of America. The independence has been rejected by the voters to such an extent that the Independence Party has been politically disqualified in quadrennial election.
- WHEREAS:** Two of the local political parties, supported by more than ninety six percent (96%) of the total voters, participate in National Politics as members of the Republican and Democratic Parties.
- WHEREAS:** The Government of the United States of America has been actively promoting democracy, universal suffrage, and human rights all over the world. (Presently very actively un Venezuela).
- WHEREAS:** The U.S. Constitution has been judicially applied to the American Citizens of Puerto Rico as if it were a state, but the non-incorporation status is being used by the Federal Courts and by Congress to switch "on and off" its applicability discriminatorily, costing more than ten billion dollars annually in federal transfers.
- WHEREAS:** Puerto Rico is a de facto incorporated territory of the United States because since 1898 it has been gradually moved to be legally treated and assimilated like a state more than any other U.S. Territory before being certified as incorporated. Moreover, the degree of incorporation of Puerto Rico to be like a state can be considered by implication as strong as to exclude any other view than that it is an incorporated territory of the United States. (See, *Consejo de Salud Playa de Ponce v Rullan*, 586, FS 2nd 22 (2008)). It has met all the requirements adopted for the Northwestern Ordinance.
- WHEREAS:** The First Amendment to the Constitution of the United States guarantees the right of the American Citizens to "... petition the Government for a redress of grievances ..." in order to ensure liberty, general welfare, and to protect their rights and privileges as American Citizens.
- WHEREAS:** It is the duty of Congress to protect the constitutional rights of all American citizens. The present degree of legal assimilation of Puerto Rico to the United States under domestic and international law supports this Petition to certify it as an incorporated territory of the United States in transit to statehood.

THEREFORE:

I, an American Citizen resident of Puerto Rico, respectfully request Congress to adopt a Resolution certifying Puerto Rico as an Incorporated Territory of the United States in transit to statehood.

Signed this April / 2 / 2021



 PETITIONER SIGNATURE

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87th Annual Meeting
Honolulu, Hawai'i

Puerto Rico as an Incorporated Territory of the
United States

WHEREAS, Puerto Rico became a United States of America territory in 1898 by the Treaty of Paris, which provided that: "... the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." Immediately the native inhabitants became Nationals under the Custody and "Parens Patriae" of the United States of America; and

WHEREAS, Since 1917, The United States American Citizens of Puerto Rico have demonstrated their loyalty to the United States of America and to democracy by serving with dedication and honor in all armed conflicts in the Armed Forces of our Country, without the right to vote for their Commander in Chief, including many of them by dying in these conflicts; and

WHEREAS, In 1917, the residents of Puerto Rico were granted United States American citizenship, by their own free and voluntary election, and after 1941 by birth, as disposed by Congress, enacting laws to such effect. To this date, three point four millions United States American Citizens reside in Puerto Rico and four millions have moved their residence to the mainland, were they have worked and are still working in building our Nation; and

WHEREAS, In 1952, The United States American Citizens of Puerto Rico constituted themselves into a Republican form of government in compliance with Article IV, Section 4, Constitution of the United States of America, similarly as the process used for former territories to become states of the Nation. In the Constitution of 1952, the citizens by direct vote swore their loyalty to their United States American citizenship, to the Constitution of United States of America and accepted to be under the Supremacy Clause of the Constitution, with reference to the National Government as are states under federalism; and

WHEREAS, The United States American Citizens of Puerto Rico are subject to the jurisdiction of all three Branches of the Government of the United States of America. The Puerto Federal Courts are Article III of the U.S. Constitution; and

WHEREAS, All income from sources outside of Puerto Rico is subject to federal taxation, and the United States American Citizens residing in Puerto Rico contribute billions of dollars to the Federal Treasury. The United States American Citizens residing in Puerto Rico pay more in federal taxes than residents of various regions in the fifty states; and

WHEREAS, In the quadrennial elections, held since 1964 ninety five percent (95%) or more of the voters have chosen permanent union with The United States of America. The independence has been rejected by the voters to such an extent that the Independence Party has been politically disqualified in quadrennial election; and

WHEREAS, Two of the local political parties, supported by more than ninety six percent (96%) of the total voters, participate in National Politics as members of the Republican and Democratic Parties; and

WHEREAS, The Government of the United States of America has been actively promoting democracy, universal suffrage, and human rights all over the world. (Presently very actively un Venezuela); and

WHEREAS, The Constitution of the United States of America has been judicially applied to the United States American Citizens of Puerto Rico as if it were

a state, but the non-incorporation status is being used by the Federal Courts and by Congress to switch "on and off" the applicability of the U.S. Constitution discriminatory, costing more than five billion dollars annually in federal transfers; and

WHEREAS, Puerto Rico is a de facto incorporated territory of the United States of America, because since 1898 it has been gradually moved to be legally treated and assimilated like a state more than any other U.S. Territory before being certified as incorporated. Moreover, the degree of incorporation of Puerto Rico to be like a state can be considered by implication as strong as to exclude any other view than that it is an incorporated territory of the United States; and

WHEREAS, The First Amendment to the Constitution of the United States of America guarantees the right of United States American Citizens to u... petition the Government for a redress of grievances ... " in order to ensure liberty, genera' welfare, and to protect our rights and privileges as United States of America Citizens; and

WHEREAS: It is the duty of Congress to protect the constitutional rights of all American citizens. The present degree of legal assimilation of Puerto Rico to the United States under domestic and international law supports this Petition to certify it as an incorporated territory of the United States,

NOW IT THEREFORE, BE IT RESOLVED, that the members of The U.S. Conference of Mayors, respectfully request Congress to adopt a Resolution certifying Puerto Rico as an Incorporated Territory of the United States. Copies of this document will be forwarded to the following Federal and States Public Bodies, and/or other parties; President of the United States America, Hon. Donald Trump; Vice President of the United States of America, Hon. Michael R. Pence; Speaker of the United States of America House of Representatives, Hon. Nancy Pelosi; Governor of Puerto Rico, Hon. Ricardo Rossello; and, to the Resident Commissioner of Puerto Rico, Hon. Jennifer Gonzalez.

Monday, June 14, 2021

The
San Juan

DAILY

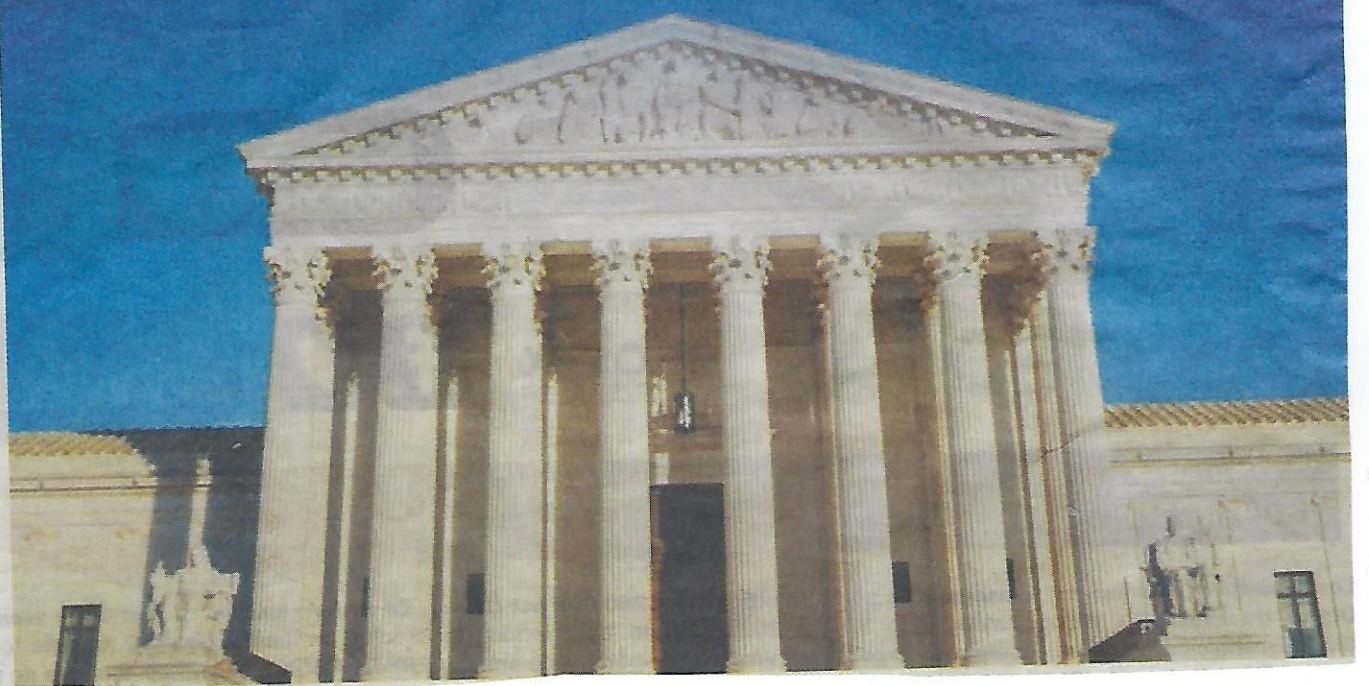
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When Is Equal Protection Not Equal?

**Referring to Vaello-Madero SSI Case, Pro-Statehood
Attorney Says US Justice Dept. Uses the Constitutional
Clause at Its Own Convenience**

P3



GOOD MORNING | 3

The San Juan Daily Star, the only paper with The New York Times News Service in English in Puerto Rico with a Monday, Tuesday, Wednesday and Thursday edition, along with a Weekend Edition to cover Friday

June 14, 2022

publishes 7 days a week
Saturday and Sunday.

Is the equal protection clause being applied unequally?

By THE STAR STAFF

While the U.S. Justice Department told the U.S. Supreme Court recently that the equal protection clause does not apply to Puerto Rico in cases involving the extension of Supplemental Security Income (SSI) to the U.S. territory, it has argued the opposite in previous cases, a local constitutional lawyer said Sunday.

Gregorio Igartúa, a pro-statehood attorney, said the Justice Department uses the equal protection clause when it is convenient to argue against discrimination. In the civil rights case filed against the Puerto Rico Police Department (PRPD) nine years ago, federal officials accused the local agency of violations to the equal protection clause.

"Someone is lying. Either you say equal protection applies or not," Igartúa said.

A settlement was reached in which the PRPD was ordered to deliver services equitably, respectfully, and free of unlawful bias, in a manner that promotes broad community engagement and supports effective crime prevention.

"In conducting its activities, PRPD shall ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation, and in accordance with the rights, privileges, or immunities secured or protected by the Constitution and laws of the United States and the Commonwealth of Puerto Rico," a settlement reached several years ago said.

In the case currently before the Supreme Court, *United States vs Vaello Madero*, the question parties have to answer is whether the U.S. Congress violated the equal-protection clause by establishing SSI, a program that provides benefits to needy, aged, blind and otherwise disabled individuals, in the 50 states and the District of Columbia, but not in Puerto Rico.

Under the case, the U.S. government sought to claw back some \$28,081 in SSI payments that José Vaello Madero had received from the program over a three-year period after he moved back to Puerto Rico from New York in 2013. He appealed. The District Court and the Appeals Court have both ruled in favor of Vaello Madero that not extending the SSI to Puerto Rico violated the equal protection clause.

However, the federal Justice Department last week argued that Congress can discriminate against Puerto Rico in matters related to social welfare. The Justice Department says Congress, not the courts, should decide the federal government's treatment of Puerto Rico, including access, if any, to SSI benefits.

Puerto Rico's unique tax status and resulting fiscal autonomy provide a rational basis for the decision not to

extend the SSI program to its residents. Residents of the island are exempt from a broad range of federal taxes, including federal income taxes.

"In practical terms, Puerto Rico's tax status means that much of the revenue that would have flowed into the federal treasury can flow into the territorial treasury instead," the federal agency said. "That is so because Puerto Rico can replace the inapplicable federal taxes with its own territorial taxes. For example, Puerto Rico has taken advantage of its exemption from federal income tax by imposing a territorial individual income tax of up to 33% for the highest bracket — well above the typical rate in the States."

President Joe Biden said the Justice Department's actions are "inconsistent with my administration's policies and values."

"However, the Department of Justice has a longstanding practice of defending the constitutionality of federal statutes, regardless of policy preferences," the president added. "This practice is critical to the department's mission of preserving the rule of law. Consistent with this important practice, the department is defending the constitutionality of the Social Security Act provision in this case."

But Igartúa said the Justice Department works under Biden and questioned the reasons why the president does not intervene.

On Wednesday, U.S. House Natural Resources Committee Chairman Raúl M. Grijalva (D-Ariz.) will oversee a hearing on legislation focused on Puerto Rico's political status. The hearing follows another one held in April.

The hearing will examine the implications of the bills. One, sponsored by Reps. Nydia Velázquez (D-N.Y.) and Alexandria Ocasio-Cortez (D-N.Y.), would "recognize the right of the People of Puerto Rico to call a status convention through which the people would exercise their natural right to self-determination, and to establish a mechanism for congressional consideration of such decision." The other, sponsored by Rep. Darren Soto (D-Fla.) and Resident Commissioner Jenniffer González Colón (R-P.R.), would "provide for the admission of the State of Puerto Rico into the Union."

The hearing was slated to be held after a Justice Department opinion that has yet to be made.

"Congress needs to keep moving forward on this, because Puerto Rico can't stay in limbo any longer," Grijalva said Sunday. "The future of millions of Puerto Ricans shouldn't be a political football. This Committee takes its responsibility to address this issue seriously, and we're going to hear from experts on how best to proceed before we take any final steps."

On Friday, meanwhile, the issue of Puerto Rico's political status will be heard at the U.N. Decolonization Committee.