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American Bar Association Supports Birthright Citizenship in U.S. Territories

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U.S. and USVI flags side by side.

The American Bar Association's House of Delegates passed a resolution Monday supporting an interpretation of the Citizenship Clause of the Fourteenth Amendment to the United States Constitution that recognizes all persons born in the territories as natural-born citizens of the United States, Equally American, which advocates for equality and civil rights for the nearly 4 million residents of U.S. territories, announced Tuesday.

The ABA resolution follows December's historic ruling in *Fitisemanu v. United States*, which recognized for the first time that people born in U.S. territories have a constitutional right to be recognized as citizens – one that cannot be switched on or off by Congress. Earlier this month, the

United States and American Samoa had appealed the *Fitisemanu* decision to the 10th Circuit.

“The ABA is perhaps the most prominent association of lawyers in the United States, so it’s a big deal to have them adopt a resolution echoing the district court’s decision in *Fitisemanu*. I greatly appreciate the work of the Virgin Islands Bar Association to bring these territorial issues to the highest level,” said Neil Weare, President and Founder of Equally American. “The resolution is also important in recognizing that the issue of citizenship is separate and apart from issues of cultural preservation in American Samoa or other territories,” Mr. Weare added.

The resolution was introduced by the Virgin Islands Bar Association. VI Bar President Nesha R. Christian-Hendrickson stated following passage of the ABA resolution: “I am pleased that the ABA has now recognized that those born in U.S. territories are equally American have the same right to citizenship as anyone born on U.S. soil. It is our fervent hope that the U.S. Government will arrive at this position in the near future.”

The U.S. Virgin Islands ABA Delegate Anthony Ciolli, Past-President of the Virgin Islands Bar Association, spoke in support of the resolution, which was approved unanimously by the House of Delegates. He explained the need for the resolution in light of the recent appeal by the United States, explaining “[t]he government justifies its position that those born in United States territories are not natural-born citizens under the Citizenship Clause on the *Insular Cases*, a series of decisions rendered more than a century ago which denied certain constitutional rights to residents of America’s insular territories based on conceptions of racial inferiority.”

The ABA is the largest voluntary association of lawyers in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

Full Text of the Resolution as approved:

RESOLVED, That the American Bar Association supports an interpretation of the Citizenship Clause of the Fourteenth Amendment to the United States Constitution that recognizes all persons born in the territories, possessions, and commonwealths of the United States, and who are subject to the jurisdiction of the United States, as natural-born citizens of the United States; and

FURTHER RESOLVED, That nothing in this Resolution should be construed to infringe on the cultural sovereignty of any United States territory, including the *matai* system in American Samoa.