

The Virgin Islands Consortium

Plaskett Files Amicus Brief In Support Of Birthright Citizenship Case

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ST. CROIX -- Congresswoman Stacey Plaskett is officially a supporting party to a court case with implications to the constitutional rights afforded to residents of U.S. territories, after the delegate to Congress filed an amicus brief, on March 2, asking the Supreme Court to grant review of a D.C. Circuit decision last year that denies recognition of birthright citizenship in U.S. territories based on the controversial Insular Cases.

Mrs. Plaskett's move follows [an announcement](#) by [We the People Project](#) today, revealing that a group of seven respectable organizations had filed amicus briefs in support of the case, which the Supreme Court will make a determination as to whether it should take up by the end of June, 2016.

"My office has been working with the "We The People Project" on this issue for quite some time," Mrs. Plaskett said. "Although this particular case is about birthright citizenship for American Samoans, it has implications for the equal treatment of the other territories under federal law by virtue of its challenge to the Insular Cases. The Insular Cases today continues to hinder the full enjoyment of America's democratic and constitutional principles by the residents of the Virgin Islands and other U.S. territories.

"Equal representation and protection under the constitution is important because of its implications on the progression of our communities. The inability to vote, has a direct correlation to the poverty in our communities. Without equal representation, our voices are muted and our needs are not adequately met. We are pleased to be represented in this brief by Paul Clement, who is a former Solicitor General for the United States of America and a former colleague of mine at the U.S. justice Department."

The briefs were filed in support of a petition for certiorari submitted last month by prominent Supreme Court attorney Theodore B. Olson on behalf of a group of passport-holding Americans denied recognition as U.S. citizens because they were born in American Samoa. *Tuaua v. United States* makes the case that Congress cannot legislate an exception to the Citizenship Clause of the Fourteenth Amendment to withhold citizenship from persons born in U.S. territories.

The Insular Cases are a set Supreme Court cases concerning the status of territories acquired in the Spanish-American War. For over a century, the "deepest ramification" of the Insular Cases is that inhabitants of unincorporated territories may have limited to no constitutional rights. According to the Citizenship Clause of the Fourteen Amendment, "anyone born on sovereign U.S. soil who owes allegiance to the United States has a constitutional right to U.S. citizenship that cannot be stripped by the political process, whether that person is born in a state, territory, or the District of Columbia.