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# Members of Congress Press Biden-Harris D.O.J. To Reject Insular Cases; Bryan Files Amicus Brief in Support of Historic Court Battle

Economy / **Published On September 08, 2021 05:48 PM /**

Staff Consortium **September 08, 2021**

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**PR flag hanging over Puerto street. By. GETTY IMAGES.**

Today Congressman Raúl Grijalva (D-Arizona), the chair of the House Natural Resources Committee and six of his House colleagues sent a letter to Attorney General Merrick Garland and Acting Solicitor General Brian Fletcher calling on the Biden-Harris Department of Justice to expressly condemn the Insular Cases, according to Equally American, an organization that describes itself as a nonpartisan public interest organization that works to advance equality and civil rights in U.S. territories.

Equally American described the Insular Cases as a series of racist Supreme Court decisions the Justice Department has continued to rely upon when defending federal statutes that discriminate against residents of U.S. territories.

“I applaud Chairman Grijalva and the Members of Congress who are calling on the Biden-Harris Justice Department to advance their commitment to the Constitution and racial equality by forcefully rejecting any continued reliance on the Insular Cases,” said Neil Weare, president and founder of Equally American.

Their letter to the Justice Department includes the following excerpts:

“The time is now for the Justice Department to reject the Insular Cases and the racism they and the territorial incorporation doctrine represent,”

“The Justice Department should ask itself whether it wants to remain complicit in the racism inherent in the Insular Cases by continuing to perpetuate the ‘separate and unequal’ status facing residents of U.S. territories. Our nation deserves better, and the people of the territories deserve better.”

According to the release, the letter highlights how, in the coming weeks, the Biden-Harris DOJ will have to express its view on the Insular Cases in two high-profile filings before the U.S. Supreme Court and U.S. Court of Appeals for the Tenth Circuit. The first case, *U.S. v. Vaello Madero*, involves the denial of Supplemental Security Income (SSI) for residents of territories. The second case, *Fitisemanu v. United States*, addresses whether people born in territories have a right to citizenship.

“As Congressman Grijalva’s letter emphasizes, the Biden-Harris Justice Department has a clear choice in these cases: either expressly condemn the Insular Cases or remain complicit in perpetuating the ugly racial inequality they established,” Weare added. “It’s long past time for the Justice Department to get on the right side of history here.”

Governor Albert Bryan and the V.I. Department of Justice on Wednesday filed an amicus brief in the United States Supreme Court in support of the plaintiff in [the case U.S. v Vaello-Madero](#), which seeks to establish equal rights as American citizens for residents of all the territories and that the territories should be treated with fairness and parity.

“The U.S. Virgin Islands (USVI) is an ‘unincorporated’ territory of the United States, acquired by purchase from Denmark in 1917. By law, its residents are birthright citizens of the United States. They live in the United States; they work in the United States; they fight and die in defense of the United States,” the brief filed by V.I. Attorney General Denise George states. “Despite this, Americans in the USVI are consigned to a degraded constitutional status. Like their fellow U.S. citizens residing in Puerto Rico, Virgin Islanders are routinely denied federal rights and benefits solely because of their residence in a U.S. Territory.

In March, Chair Grijalva helped introduce a bipartisan resolution that similarly called on the courts, DOJ and other litigants to reject any continued reliance on the Insular Cases in present and future cases. The Natural Resources Committee hosted a legislative hearing in May to discuss this resolution, which included testimony from elected officials from the territories and academic scholars. The Committee also held an oversight hearing in July to discuss the extension of key federal benefits programs like SSI, SNAP and Medicaid to the U.S. territories within the president’s fiscal year 2022 budget.

The Supreme Court also announced today that Vaello Madero will be argued in-person, in front of the Justices at the Supreme Court on Tuesday, November 9, 2021.

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