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Plaskett Leads Colleagues in Letter to Biden Condemning 'Racist' Insular Cases

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Delegate to Congress Stacey Plaskett.

Delegate to Congress Stacey Plaskett recently led a letter to President Joseph Biden condemning the Insular Cases and calling on the administration to do the same and overturn the racist rulings that continue to negatively impact U.S. territories today, a release from Ms. Plaskett's office has made known.

“The Insular Cases, a series of Plessy-era Supreme Court decisions, established a racist and colonial legal framework that has denied the 3.6 million residents of U.S. territories equal constitutional rights and left them structurally disenfranchised for nearly 125 years,” the congresswoman said, according to her office.

She said in 2022 no one should be using the racist language from the Insular Cases to deny citizenship rights to people born in U.S. territories. Not federal judges. And certainly not the Biden-Harris Justice Department," Ms. Plaskett said. "That's why I led my colleagues in Congress in sending a letter today urging President Biden and Vice President Harris to condemn the Insular Cases."

She added, "President Biden has made fighting for residents of the Virgin Islands and other U.S. territories a priority. Last year, in speaking out against the denial of federal benefits in U.S. territories, he declared, 'there can be no second-class citizens in the United States of America.' Yet the Biden-Harris Justice Department expressly relied on the Insular Cases last Fall to argue that people born in U.S. territories have no right to U.S. citizenship at all, that citizenship in U.S. territories is a mere privilege for Congress to extend or retract at whim.

"The Biden-Harris Justice Department will soon have a chance to correct this error when it files its response in *Fitisemanu v. United States*, a case which asks the Supreme Court to answer, 'whether the Insular Cases should be overruled.

"Leading civil rights organizations, scholars from across the ideological spectrum, and a bipartisan group of elected officials and former judges from U.S. territories are all calling on the Supreme Court to turn the page on the Insular Cases. And, even Supreme Court Justices appointed by both Democratic and Republican Administrations – Justices Sotomayor and Gorsuch – have criticized the Insular Cases. If President Biden is serious about confronting systemic racism and fighting for the equality of all Americans, as he has promised, the Biden administration must condemn the Insular Cases and the Justice Department should call on the Supreme Court to finally reckon with this legacy.

"With *Fitisemanu v. United States*, we can finally end the racist and colonial framework of the Insular Cases, correct a historical wrong, and advance equal rights under the Constitution for all American citizens. It is my fervent hope and prayer that the Biden Administration will choose to be on the right side of history and once and for all condemn and overturn these cases that have relegated a significant part of our U.S. population to second class citizenship."