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On 125th Anniversary of U.S. Invasion, Civil Rights Groups Urge Biden to Condemn Insular Cases Affecting Puerto Rico and U.S. Virgin Islands

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In the ongoing debate over the relationship between the United States and its territorial possessions, a coalition of 12 civil rights organizations sent a letter to President Joseph Biden on Tuesday, urging him to publicly condemn the Insular Cases and the colonial framework they established.

The letter, marking the 125th anniversary of the United States' invasion of Puerto Rico, underscores the sentiment that territories such as Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are effectively still colonies today.

The legal foundation of the colonial relationship between the U.S. and its territories was built on the Insular Cases, a series of Supreme Court decisions known for racist assumptions. The decisions have since been repudiated by sitting members of the Court; the letter references Justice Neil Gorsuch describing "American colonialism" as being grounded in "ugly racial stereotypes," and Justice Sonia Sotomayor, who called the Insular Cases "odious and wrong."

The undersigned organizations assert that despite recent condemnation by the Justice Department, their continued reliance on these cases is perplexing. The letter to President Biden asks him to weigh in. "We, the undersigned organizations, which represent millions of United States citizens, are petitioning you to publicly condemn the racist Insular Cases and the colonial framework they established," it reads.

Furthermore, the coalition emphasizes that the U.S. territories remain subordinate to federal rule, with the [Supreme Court](#) and the Justice Department continuing to [rely on and even defend](#) the Insular Cases. The letter notes the DOJ's defense of the Financial Oversight and Management Board for Puerto Rico as another example of relying on the Insular Cases.

The letter also outlines the historical context of American colonialism, noting that the questions surrounding the constitutionality of newly acquired territories arose immediately after the Spanish-American War in 1898. The Insular Cases held that the residents of these territories were not entitled to the same constitutional rights as states' residents, using language that described the territories' inhabitants as "alien races" and "savage tribes."

Mr. Biden's stance towards U.S. territories has been highlighted, including the inclusion of "persons who live in U.S. territories" within the administration's definition of "equity." The civil society coalition sees denouncing the Insular Cases as aligning with the president's commitment to racial justice, equity, democracy, indigenous rights, and self-determination.

Once again, the letter contrasts the defense and support of the Insular Cases by the Department of Justice with the stark rejection of the decisions by the sitting justices, reminding us of Justice Gorsuch's clear assessment: "The Insular Cases have no foundation in the Constitution and rest instead on racial stereotypes. They deserve no place in our law."

According to the letter, the 3.6 million American citizens living in the territories deserve their president's vocal condemnation of the racist Insular Cases and the entire colonial framework.

The missive was issued jointly by the American Civil Liberties Union (ACLU), the ACLU of Puerto Rico, the Asian American Legal Defense and Education Fund, the Brennan Center for Justice, the Center for Popular Democracy, D?mos, Human Rights Campaign, the Lambda Legal Defense and Education Fund, Inc., LatinoJustice PRLDEF, the NAACP Legal Defense and Education Fund, Inc., Right to Democracy, and Washington Lawyers' Committee for Civil Rights and Urban Affairs.