# Hernán Padilla, MD\* President of *Igualdad*

#### Introduction

# Words related to *Latino Partnership*Introduction

Igualdad: An advocacy group for citizen equality through Statehood

Igualdad (Equality), a non-partisan grass-roots citizen advocacy organization, has a simple and compelling objective: achieving full equality in citizenship under the Constitution for the American citizens of Puerto Rico through the admission of the Island as a State of the Union.

We believe that our Nation has one Constitution and one citizenship for all Americans and, therefore, that the American citizens of Puerto Rico should have the same rights, responsibilities and opportunities as the American citizens who reside in the 50 States.

The Island's current status as an unincorporated territory of the United States deprives American citizens residing in Puerto Rico of fundamental rights

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The Island's current status as an unincorporated territory of the United States deprives American citizens residing in Puerto Rico of fundamental rights such as the equal protection of the laws, participation in the election of the President, and proportional representation in Congress.

Ironically, thousands of Puerto Ricans have served in the Armed Forces protecting our freedoms at home and defending our democratic ideals abroad —many at the cost of their lives.

### **Historical Background**

Puerto Rico became a territory of the United States in 1898 as a result of the Spanish American War. And in 1917 Congress granted American citizenship to the inhabitants of Puerto Rico.

Prior to the Spanish American War it was expected that American territories would eventually be admitted into the Union. However, in a series of decisions known as the Insular Cases, the Supreme Court created two classes of territories: incorporated, which were intended to become States, and unincorporated, such as Puerto Rico, which according to the case law could be ruled by Congress indefinitely.

However, the Constitution does not provide for such differentiation. The unprecedented category of "unincorporated territory" was created by a

segregationist Court to prevent a territory inhabited by people of Hispanic origin from becoming a part of the United States.

Moreover, when in 1917 Congress granted American citizenship to Puerto Ricans it was generally understood that the Islands had been incorporated into the United States. But in 1922 a U.S. Supreme Court that upheld racial segregation determined that Puerto Rico was still an unincorporated territory because its Justices could not conceive of a faraway island inhabited by Hispanics, rather than Anglo-Saxons, to be a part of this Nation.

As such, American Citizens who reside in Puerto Rico are subjected to geographic discrimination, segregationist policies and a deficit of democratic rights. The U.S. Constitution does not protect the U.S. Citizens who reside in Puerto Rico in the same manner it protects other U.S. Citizens. (SCOTUS 1921-22)

Even though, in 1952 President Truman signed USC§1402, changing the **Statutory American Citizenship** that had been granted to all persons born in Puerto Rico in 1917 to **Natural Born American Citizens** for all persons born on the island from January 1941 onward, today the residents in

Puerto Rico continue to be subject to a political system that denies them full equality as U.S. Citizens and participation in their national government.

#### Results of the Recent Puerto Rico Status Plebiscite

On November 6<sup>th</sup>, 2012, the U.S. Citizens residing in Puerto Rico voted in a two-part plebiscite on whether they wanted the Island to remain a territory, and on their preference among the three full self-government or non-territorial status alternatives.

With the participation of 77.6% of all registered voters, the residents of Puerto Rico rejected the continuation of the current territorial status, often called "commonwealth," with an absolute majority of 54%. With this vote the American citizens of Puerto Rico removed any possible consent that may have existed to continue being governed under a political status that is both undemocratic and discriminatory.

Moreover, the plebiscite results yielded an overwhelming preference for statehood which garnered 61% of the votes over the options of independence in free association with the U.S. and full independence.

## Request

We join the Latino Partnership for Conservative Principles in its call for The White House and Congress to take action to resolve Puerto Rico's political status problem in a manner consistent with the results of the plebiscite held last November.

I repeat, our ultimate goal is to achieve full equality in citizenship under the Constitution for the American citizens of Puerto Rico through the admission of the Island as a State of the Union.

As I said, the United States is one Nation with one Constitution and only one citizenship for all Americans. Therefore, the continued political segregation of a community of 3.7 million American citizens of Hispanic origin is a national problem that deserves prompt attention and expedient action.

Every year the President speaks before a joint session of Congress recommending measures to deal with the issues that he believes are important. We would hope that the President includes Puerto Rico's political status problem in his State of the Union address on February 12<sup>th</sup>.