

At Sidebar

HÉCTOR L. RAMOS-VEGA

We the People ... of Puerto Rico ... Welcome You, Mr. President ... to Remedy a Century of Unequal Treatment

PRESIDENT BARACK OBAMA recently spent a few hours in Puerto Rico. His visit, a campaign promise, included meetings with the governor of Puerto Rico, government officials, and local Democratic Party leaders, and, of course, a fund-raiser for the President's upcoming re-election campaign. In a brief speech upon his arrival, President Obama recounted how his was the first official visit by a President since John F. Kennedy came to the island 50 years ago. President Obama also reaffirmed his commitment to address the needs of Puerto Rican families and touched upon subjects of importance to the residents of Puerto Rico, such as resolution of the political status, education, housing, unemployment, and the economy.

During his visit, President Obama promised to continue helping Puerto Rico to increase the island's tourism, health care, and clean energy industries. One of the most important aspects of the President's speech was his recognition of the many contributions that Puerto Ricans make to America in the areas of culture, sports, science, and national defense. His tribute to the outstanding service of our men and women in uniform as well as Puerto Rican veterans earned the President the loudest applause of the afternoon. President Obama assured his audience that the challenges Puerto Rican families face will continue to be a priority for his administration and that he would push forward and take the necessary steps for America and Puerto Rico to win the future.

This inspiring speech brings hope to Puerto Rico. Puerto Ricans have no reason to doubt that President Obama will make good on his promises. In fact, I am sure that his sincere and wholehearted speech will move many Puerto Ricans to want to support President Obama in the upcoming election. The problem is that the residents of the island—almost four million U.S. citizens who live in Puerto Rico—do

not have the right to vote in presidential elections. In addition, Puerto Ricans have no right to elect voting representatives to the U.S. Congress—despite the fact that the right to vote is a fundamental right that preserves all other rights¹ to the point that even limitations that stop short of complete denial of the right to vote have been found to violate the U.S. Constitution.²

I few years back, while in law school, I wrote an article that was published in the *Law Review*³ in which I advanced the proposition that, at some point, judicial intervention might be appropriate to remedy the unfair anomaly that Puerto Ricans are unable to exercise their right to vote for those leaders who exercise almost absolute power over them. Since then, the judiciary has consistently held, time and again, that unless Puerto Rico becomes a state or a constitutional amendment is passed, Puerto Ricans cannot vote in presidential or congressional elections.⁴ So the message is clear. The federal judiciary is not the front where this battle must be waged. Accordingly, I ask the President: What about the issue of lack of representation? What about the issue of government without consent? What about the unequal treatment that for so long has been afforded to a substantial portion of the citizenry?

Unfortunately, these questions have long remained unanswered. And I admit that Puerto Ricans are partially at fault for not putting forth before the President or Congress a clear mandate for a once-and-for-all solution to the colonial and territorial status of Puerto Rico. But the political climate in Washington, D.C., has never encouraged conclusive change. Although I understand that resolution of current political status might give the right to vote to residents of Puerto Rico, who are, after all, U.S. citizens, it seems untenable that we have to wait until that happens to enjoy a right that exists, in my view, by virtue of citizenship itself. If no one can deny that Puerto Ricans have enjoyed the privilege of citizenship, it is similarly undeniable that we have discharged the duties and obligations that come hand in hand with that privilege. Puerto Ricans are obliged to follow the laws enacted by a Congress in which we, the people of Puerto Rico, have no voting representative. Moreover, as acknowledged by President Obama, thousands of Puerto Rican soldiers have made the ultimate sacrifice, giving their lives to

defend those same principles of the Bill of Rights of the Constitution that America as a nation holds precious and who serve under a commander in chief we have no right to elect.

Mr. President, we, the people of Puerto Rico, welcome you to our island. We appreciate your taking an interest in solving many of the problems that we face. But, more important, we invite you—urge you—to also take steps to remedy an anomaly that cannot continue to be justified under 21st-century American constitutionalism. If you can rectify this injustice, perhaps the next time you visit us, we, the people of Puerto Rico, can feel that we have a say in electing the representatives whose decisions have such a significant impact on our lives and futures. Only then will we, the people of Puerto Rico, be able to stop feeling like second-class U.S. citizens. **TFL**

Héctor L. Ramos-Vega is a supervisory assistant federal public defender for the District of Puerto Rico and a member of the TFL editorial board.

Endnotes

¹*Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

²See *Reynolds v. Sims*, 377 U.S. 533, 555 (“[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.”).

³18 T.M. COOLEY L. REV. 429 (2001).

⁴*Igartua-De La Rosa v. United States*, 32 F.3d 8 (1st Cir. 1994); *Igartua-De La Rosa v. United States*, 229 F.3d 80 (1st Cir. 2000); *Igartua-De La Rosa v. United States*, 417 F.3d 145 (1st Cir. 2005); *Igartua-De La Rosa v. United States*, 626 F.3d 592 (1st Cir. 2010).

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center for hot jazz and cool blues music. Well-known Chicago blues players include singer/songwriters such as Muddy Waters, Junior Wells, and Howlin’ Wolf, and their songs, “Hoochie Coochie Man” (Number 8 on the R&B charts), “I Just Want to Make Love to You” (Number 4), and “I’m Ready.” Since then Chicago has remained a center for jazz and blues making it a place that any music aficionado must visit.

You and your friends may want to walk the Magnificent Mile, the northern part of Michigan Avenue between the Chicago River and Lake Shore Drive, which is Chicago’s version of the Champs-Élysées: a grand wide boulevard with exclusive shops, muse-

ums, restaurants and ritzy hotels. All the big names of shopping are present there, from Disney, Apple and Niketown to Bloomingdales and Saks Fifth Avenue. The wide streets, often adorned with well-maintained flowerbeds, are always crowded. The areas around the Magnificent Mile are some of Chicago’s wealthiest.

So pack your bags for Chicago and join your friends and colleagues at the 2011 Federal Bar Association Annual Meeting and Convention in September. See you in Chicago! **TFL**

Ashley L. Belleau

FBA Board of Directors Members Attend Second Circuit Admission Ceremony in New York



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On June 23, 2011, members of the FBA Board of Directors were on hand as the Second Circuit was in session to entertain a motion sponsored by the Federal Bar Association and co-sponsored by the Network of Bar Leaders, New York City Bar Association, New York County Lawyers’ Association, the New York State Bar Association, and the Connecticut Bar Association to admit new members. A reception followed the swearing-in ceremony.

Chief Judge Dennis Jacobs and Judge Denny Chin of the Second Circuit are profiled in this issue of *The Federal Lawyer*, beginning on page 16.