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The New York State Bar Association strongly supports the House of Representatives resolution that acknowledges that the United States Supreme Court's decisions in the Insular Cases and the "territorial incorporation doctrine" are contrary to the text and history of the United States Constitution, rest on long-rejected racial stereotypes and are contrary to our Nation's most basic constitutional and democratic principles. We urge its adoption and denouncement of this jurisprudence.

The Insular Cases are rulings that the U.S. Supreme Court and lower courts have relied on to justify unequal treatment of, and rights for, the residents of the territories that the United States gained in the Spanish American War and in the early 20th Century — the U.S. Virgin Islands, American Samoa, Guam, the Northern Mariana Islands and Puerto Rico.

We were disappointed that the U.S. Supreme Court did not grant certiorari in *Fitisemanu v. United States*, which would have been a wonderful opportunity to overturn the jurisprudence that allows the people of the U.S. Territories to be treated as second-class citizens. The court's disappointing decision misses the mark and forgoes a significant opportunity to usher in a new era that separates this nation from racist policies and attitudes.

Given the Supreme Court's inaction, it is critical that Congress act to right this historical wrong. Passage of this resolution would send a clear message that racial views of an earlier era have no place in our nation today and set the stage for future Congressional action.

A core tenant of NYSBA's mission is to promote equal access to justice for all. Passage of this resolution is a manifestation of this commitment. The Association applauds Rep. Raul Grijalva's leadership in introducing this critical equality measure and urges the House to pass the resolution expeditiously.

Sincerely,

Sherry Levin Wallach
President