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FOR IMMEDIATE RELEASE
September 8, 2021
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Governor Bryan Files Amicus Brief in U.S. Supreme Court Supporting Rights of Territories in *U.S. v Vaello-Madero*

U.S. VIRGIN ISLANDS – Governor Albert Bryan Jr. has filed an amicus brief in the United States Supreme Court in support of the plaintiff in the case *U.S. v Vaello-Madero*, which seeks to establish equal rights as American citizens for residents of all the territories and that the territories should be treated with fairness and parity.

An amicus brief – also known as a "friend of the court brief" – is filed by an entity that is not a party to a case but assists the court by offering information, expertise or insight that has a bearing on the issues in the case.

U.S. v Vaello-Madero is premised on the complaint of Jose Luis Vaello-Madero, a resident of Puerto Rico who previously lived in New York and received Supplemental Security Income benefits until he moved to Puerto Rico. The U.S. government denied him continuation of the benefits after he moved, and sued Vaello-Madero to recover more than $20,000.

"The U.S. Virgin Islands (USVI) is an 'unincorporated' territory of the United States, acquired by purchase from Denmark in 1917. By law, its residents are birthright citizens of the United States. They live in the United States; they work in the United States; they fight and die in defense of the United States," the brief filed by Virgin Islands Attorney General Denise George states. "Despite this, Americans in the USVI are consigned to a degraded constitutional status. Like their fellow U.S. citizens residing in Puerto Rico, Virgin Islanders are routinely denied federal rights and benefits solely because of their residence in a U.S. Territory.

The fundamental theme of the brief carried forward from the lower court decisions is that citizenship rights should not be dependent on the geography of where a person lives in the United States.

"The Supplemental Social Security (SSI) benefits at issue in this case are but one example of a century-long tradition of treating the Territories' U.S. citizens as a separate and disfavored class. That tradition, born of the infamous 'Insular Cases,' is rooted not in the Constitution but in explicitly racist and colonialist nineteenth-century ideology," the brief states. "The USVI submits this brief amicus curiae to urge the Court to affirm the decision of the First Circuit, extend the full rights and privileges of citizenship to Americans residing in the Territories, and abjure the Insular Cases and their shameful legacy of second-class citizenship for a discrete group of loyal Americans based solely on where within the United States they live."

In February 2019, the First U.S. Circuit Court of Appeals affirmed a 2018 ruling by the U.S. District Court for the District of Puerto Rico that the exclusion of Puerto Rico from Supplemental Security Income (SSI), a federal benefit program, violates the Fifth Amendment of the U.S. Constitution's Due Process Clause.

In September 2020, the U.S. Department of Justice appealed 1st Circuit Court's ruling to the U.S. Supreme Court, and the case currently awaits the high court's decision on whether to hear oral arguments.

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