

Title: **Constitutional Rights in the US Territories**

Description:

Over 4 million people live in America's territories. Yet, for over a century, the Supreme Court has not fully answered one question: What are the constitutional rights of the people living in Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa? Recent legal battles have cast a spotlight on how unsettled the rights of people living in the territories continue to be. In Puerto Rico, while the government has begun to recognize marriage equality for same-sex couples, a federal district judge held that the right to marry of lesbians and gay men is not incorporated to Puerto Rico, because it is a territory and not a state. In American Samoa, the government has refused to recognize the applicability of *Obergefell v. Hodges*, denying the fundamental right to marry to same-sex couples in the Pacific territory. And, finally, the Supreme Court has been presented with the question of whether American Samoans are U.S. citizens by virtue of the Fourteenth Amendment's citizenship clause. Panelists in this workshop, all counsel for parties or amici in territorial cases, will discuss these legal battles and share some insight on the legal framework affecting the rights of people in the U.S. territories.

Presenters:

Omar Gonzalez-Pagan, Staff Attorney, Lambda Legal

Lead counsel in *Conde-Vidal v. Rius-Armendariz*, the challenge to Puerto Rico's marriage ban. Worked on *Aguero v. Calvo*, the challenge to Guam's marriage ban.

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Co-counsel in *Conde-Vidal v. Rius-Armendariz*, the challenge to Puerto Rico's marriage ban, and counsel for Amici Scholars of Constitutional Law and Legal History in *Tuaua v. United States*, the American Samoa U.S. citizenship case. Author of *A Most Insular Minority: Reconsidering Judicial Deference to Unequal Treatment in Light of Puerto Rico's Political Process Failure*, 110 COLUM. L. REV. 797 (2010), and co-author of *Los Casos Insulares: Doctrina Desanexionista*, 78 REVISTA JURÍDICA UNIVERSIDAD DE PUERTO RICO 661 (2009) (with Christina D. Burnett).

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Counsel in *Tuaua v. United States*, the American Samoa U.S. citizenship case.

Legal statutes and constitutional provisions referenced:

U.S. CONST. art. IV, § 3

U.S. CONST. amend. V

U.S. CONST. amend. XIV