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December 13, 2021

Hon. Merrick B. Garland
Attorney General
U.S. Dept. Of Justice
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-001

RE: PUERTO RICO- NOT IN ASSOCIATION WITH THE U.S. –
DE FACTO INCORPORATED U.S. TERRITORY

Dear Mr. Attorney General:

I believe that the DOJ is doing a very good job in fighting local corruption cases
Notwithstanding, there is another very important issue I need to bring to your attention.

Several fellow citizens have expressed their concern that in federal documents, including
indictments, Puerto Rico is referred to as if “in association with the United States” (e.g. U.S. v
Angel Perez- Otero, Criminal No. 21-CR-474 (ADC), (PRFDC)- Allegation # 2). (*See Annex*).
This practice cannot be allowed to continue, because it has serious political consequences within
the context of what our legal relation with our Nation really is, and considering we are 5th and

6th generation American citizens. (*3.4 Million Citizens residing in Puerto Rico, and 5 million residing in the states enjoying the privileges of statehood*).

Puerto Rico is the U. S. Territory that has been more assimilated to be “like a state” in the history of Our Nation. Considering it meets the criteria adopted for territories to become states in the Northwest Ordinance, Puerto Rico is a de facto incorporated U.S. Territory. (123 years). (See Opinion of Judge Gustavo Gelpi in the case of, *Consejo de Salud Playa de Ponce v. Rullan*, 593 F Supp. 2nd 386).

The reference of a “relation in association” is legally unfounded and contradictory to all assimilation policies adopted by Congress for Puerto Rico. Consider:

- What is the legal source supporting the reference?
- It implies federal authority at any time may lack legitimacy, because it is implemented as a consequence of a treaty of the U.S. with Puerto Rico. Can there be a treaty of citizens of one nation with its own citizens?
- It ignores the Federal Courts have clearly established Puerto Rico is a U.S. Territory ruled under the territorial clause (*US Cons Art. IV*) (*Id. Consejo de Salud; U.S. v Sánchez Valle* 136 S. Court 1863, 2016).
- It ignores the Federal District Court of Puerto Rico is an Article III U. S. Constitution Court, as all others in the states, where constitutional Articles are applied annually in hundreds of cases, and including the applicability of federal laws.
- It ignores we pay billions in federal taxes. (*More than some states – IRS Highlights.*)
- It evidences contradictory policies of the Federal Government in dealing with Puerto Rico. Compare your litigation the case of *U.S. v Vaello* (SC # 20-203) against the applicability of the SSI to Puerto Rico versus the Opinion of President Biden in support.

Attorney General Garland, please discontinue the discriminatory practice of switching “on and off” the U.S. Constitution to the American Citizens in Puerto Rico. Treat us with dignity, not with contradictions. Stop treating us as what Puerto Rico can hypothetically

politically can be, but as what we are, residents of a de facto incorporated U.S. Territory. (*Id. Consejo de Salud*).

I am writing to request that the practice of referring to Puerto Rico as “in association with our Nation” be immediately ended. Documents in transit for official acts of the Department of Justice should be amended, eliminating such referral, including allegation #2 in the indictment in the cited case of Mayor Angel Perez.

The American citizen’s residents of Puerto Rico deserve and demand to be treated equally, as all others fellow American Citizens in our Nation. I will deeply appreciate your attention to this important issue at the earliest time.

Respectfully and Sincerely yours,


Gregorio Igartua
Attorney

cc.

- Hon. Governor Pedro Pierluisi
- Hon. Jennifer González
- U.S. Attorney- W. Stephen Muldrow