No. 15-981

IN THE

Supreme Court of the United States

LENEOUTI FIAFIA TUAUA, *et al.*,

Petitioners,

v.

UNITED STATES OF AMERICA, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF OF *AMICI CURIAE* SCHOLARS OF INTERNATIONAL LAW IN SUPPORT OF PETITIONERS

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TABLE OF CONTENTS

Table of Contents

TABLE OF CITED AUTHORITIES

Page

FEDERAL CASES

FOREIGN & INTERNATIONAL AUTHORITIES

OTHER AUTHORITIES

Cited Authorities

Page

Page

INTEREST OF THE *AMICI CURIAE*

Amici are law professors who have a vital interest in ensuring that the development of United States law is consistent with modern international law principles and the citizenship practices of our fellow nations with dependencies. *Amici* come together because of their shared concern that the decision below relies on outdated international law precedent, with scant relevance today. *Amici* all agree that, for the reasons set forth in this brief, this Court should grant review and the decision below should be reversed.[1]

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1. No party or its counsel authored this brief in whole or in part, and no person or entity other than *amici* or their counsel made a monetary contribution to the preparation or submission of this brief. Counsel of record for the parties have consented to the filing of this brief and such consent has been submitted herewith.

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SUMMARY OF THE ARGUMENT

The United States—as a result of the decision below—remains an outlier among countries having overseas dependencies,[2] in continuing to deny citizenship to residents of one of its territories, American Samoa. The DC Circuit's reasoning depended in significant part on the century-old *Insular Cases* in which this Court held that the Constitution did not apply to territories *ex proprio vigore* because their "native populations" were unfit for full inclusion in the American polity. In relying on the *Insular Cases*, the DC Circuit affirmed precedent—with roots in outdated international law—deeming American Samoans unsuitable to be citizens. *Amici* urge this Court to consider whether the time has come for the United States to reject the outmoded reasoning of the *Insular Cases* as a basis for denying citizenship to American Samoans.

For over a century, American Samoans have held allegiance to the United States—and to the United States alone. Nonetheless, the United States deprives American Samoans of citizenship and brands them with the anomalous "non-citizen national" status. American Samoans are uniquely disadvantaged in this "no man's land," and are deprived of many of the social and political rights accorded to American citizens. To obtain American citizenship, American Samoans must uproot themselves and their families to the U.S. mainland to undertake the

2. Discussion of "countries with dependencies" herein refers to the countries included in the State Department's list of countries with dependencies. *See* Bureau of Intelligence and Research, *List of Dependencies and Areas of Special Sovereignty*, United States Dep't of State, http://www.state.gov/s/inr/rls/10543.htm.

arduous naturalization process imposed on citizens of other nations. More fundamentally, American Samoans are denied *any* citizenship. They cannot be citizens of the United States, but they also cannot claim citizenship elsewhere.

The United States' continued practice of withholding citizenship from the residents of one of its territories is an aberration. The DC Circuit's reliance on the *Insular Cases* precedent has the effect of invoking today international law principles that are now viewed widely as belonging to a time long past. Since the *Insular Cases*, international law has evolved and the historical premise underlying those decisions no longer applies. While other nations have overhauled their citizenship practices to accord citizenship to habitual residents of their territories, the United States remains an outlier in depriving American Samoans of citizenship.

For these reasons, *amici* respectfully request that this Court grant certiorari.

ARGUMENT

I. American Samoans Are Denied Citizenship on the Basis of Precedent Invoking Outdated International Law Norms

Despite more than a century of allegiance to the United States, the inferior status of American Samoans stamped directly on their passports reads: "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED

STATES CITIZEN."[3] As a result, American Samoans are citizens of nowhere.

Without citizenship, American Samoans will continue to have a status subordinate to American citizens.[4] *See* Ediberto Román, *The Alien-Citizen Paradox and other Consequences of U.S. Colonialism*, 26 Fla. St. U. L. Rev. 1, 9 (1998) ("[C]itizenship signifies an individual's 'full membership' in a political community where the ideal of equality is supposed to prevail. . . . Because '[e]quality and belonging are inseparably linked,' to acknowledge

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3. American Samoa's governor, Lolo Letalu Matalasi Moliga, recently stated, "I believe our passport is not real at all." Fili Sagapolutele, *Lolo raises issue of U.S. National status with feds*, Samoa News (Feb. 23, 2016), http://www.samoanews.com/content/en/lolo-raises-issue-us-national-status-feds#sthash.u2swC9nS.dpuf.

4. *See generally Perez v. Brownell*, 356 U.S. 44, 64 (1958) ("Citizenship *is* man's basic right for it is nothing less than the right to have rights.") (Warren, C.J., dissenting); *Afroyim v. Rusk*, 387 US 253, 267–68 (1967) (overruling *Perez v. Brownell* and concluding that "[c]itizenship is no light trifle to be jeopardized . . . [i]n some instances, loss of citizenship can mean that a man is left without the protection of citizenship in any country in the world—as a man without a country . . . [o]ur holding does no more than to give to this citizen that which is his own, a constitutional right to remain a citizen in a free country unless he voluntarily relinquishes that citizenship."); Ediberto Román, *Members and Outsiders: An Examination of the Models of United States Citizenship As Well As Questions Concerning European Union Citizenship*, 9 U. Miami Int'l & Comp. L. Rev. 81, 113 (2001) ("[T]he status of citizen is significant. It includes the ability to invoke rights and be recognized as an equal. In the United States, the attainment of such status suggests the achievement of a preferred status in society—the status of a member, of an equal participant in the body politic.").

citizenship means to formally confer 'belonging' to the United States. This notion of citizenship encourages the creation of a bond or sense of social inclusion between the members of a political community.") (internal citations omitted). American Samoans are in effect excluded from full participation in the only country that they can call home.

A. The *Insular Cases* Reflect the Internationally-Accepted—Now Outdated—Territorial Norms of Their Time

When American Samoa became an American territory, international norms accorded sovereign states with tremendous latitude to govern territories as they saw fit. The second-class condition of American Samoans is the product of the early twentieth century notion that residents of territories, such as American Samoa, were unfit to participate in modern polity.[5]

The then-internationally accepted practice of according sovereigns the freedom to govern territories as they saw fit laid the foundation for the Court's holdings in the *Insular Cases*. *See* Juan Torruella, *The Insular Cases: The Establishment of a Regime of Political Apartheid*, 29 U. Pa. J. Int'l L. 283, 286 (2007) ("[The *Insular*

5. *See* Sarah H. Cleveland, *Powers Inherent in Sovereignty: Indians, Aliens, Territories, and the Nineteenth Century Origins of Plenary Power over Foreign Affairs*, 81 Texas L. Rev. 1, 208, 260 (2002) (Many at the time considered that territories abroad "were inhabited by peoples deemed culturally and racially inferior to the American Anglo-Saxon Christian majority. . . . The solution of the national elites was to exclude unfit groups from the full benefits of constitutional membership.").

Cases'] outcome was strongly influenced by racially motivated biases and by colonial governance theories that were contrary to American territorial practice and experience."). The *Insular Cases* were decided in the wake of the Spanish-American War and at the height of U.S. expansionist ambitions. At the time, America's legal relationship with its newly acquired territories was undefined and hotly debated. Kal Raustiala, *Does the Constitution Follow the Flag? The Evolution of Territoriality in American Law* 79 (2009) ("It did not take long for the question of the constitutional status of the new American colonies to come before the Supreme Court. When it did, it capped a surprisingly heated and often bitter controversy that consumed substantial legal and political energy."). One constituency believed that the Federal Government—being of limited, enumerated powers—was inherently constrained by the Constitution, even in newly acquired territories. *See* Torruella, *supra*, at 291–94. An opposing faction viewed constitutional constraints as an impediment to U.S. expansionist ambitions, and rejected the application of constitutional protections to territories whose populations they considered to be inferior. *Id.* at 294–96; *see generally* Cleveland, *supra*, at 209.

In the *Insular Cases*, the Supreme Court sided with the faction arguing for the limited application of the Constitution. *See Balzac v. Porto Rico*, 258 U.S. 298, 312 (1922) ("The Constitution . . . contains . . . limitations which in the nature of things are not always and everywhere applicable, and the real issue in the Insular Cases was . . . which . . . of its provisions were applicable . . . in dealing with new conditions and requirements."); *Dorr v. United States*, 195 U.S. 138, 142 (1904) ("Congress [may] make laws for the government of territories, without being

subject to all the restrictions which are imposed upon that body when passing laws for the United States . . . ."). In so holding, the Court rejected earlier precedent that held that the Constitution applied equally to the territories as it did to the states.[6]

In *Downes v. Bidwell*—the most recognized of the *Insular Cases*—Justice Brown concluded his opinion with a note of caution:

> A false step at this time might be fatal to the development of . . . the American empire. . . . [C]onditions [may be brought about] which would render the annexation of distant possessions desirable. If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible.

182 U.S. 244, 286–87 (1901).

Justice Brown championed the concern that certain populations might be unfit to participate in American society and politics—thereby justifying the differential application of the Constitution to territories—when he expressed skepticism about "the doctrine that . . . [the]

6. Judge Torruella notes that the U.S. legal relationship with the territories acquired in the Spanish-American War, and thereafter, was inconsistent with both U.S. treatment of previously acquired territories, *see* Torruella, *supra*, at 304, and then-binding Supreme Court precedent, *see id.* at 292–94. *See also Román*, *The Alien-Citizen Paradox*, *supra*, at 20.

children [of native territorial inhabitants] thereafter born . . . whether savages or civilized, are [citizens]," arguing that "it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once citizens of the United States." *Id.* at 279–80; *see also* Raustiala, *supra*, at 86–87 ("Throughout the *Insular Cases* the justices appeared concerned with how best to avoid fettering the imperial ambitions the nation possessed or might develop in the future. Justice Brown surfaced these concerns most clearly, writing in *Downes* that 'a false step at this time might be fatal to the development of what Chief Justice Marshall called the American Empire."). Justice White echoed this sentiment in his concurrence, noting that a "grave detriment" would be inflicted "on the United States . . . from . . . the immediate bestowal of citizenship" on those that are "unfit to receive it." *Downes*, 182 U.S. at 306 (White, J., concurring).

Even at that time, the *Insular Cases* were the subject of strident dissent on grounds that they defied the Constitution. In his *Downes* dissent, Justice Fuller reasoned that "[t]he source of national power in this country is the Constitution . . . the government, as to our internal affairs, possesses no inherent sovereign power not derived from that instrument, and inconsistent with its letter and spirit." *Id.* at 369 (Fuller, J., dissenting); *see id.* at 359 ("[T]he national government is a government of enumerated powers, the exercise of which is restricted to the use of means appropriate and plainly adapted to constitutional ends, and which are 'not prohibited, but consist with the letter and spirit of the Constitution.' . . . To hold otherwise is to overthrow the basis of our constitutional law[.]")

(Fuller, J., dissenting). Justice Harlan's dissent similarly emphasized that the government of the United States is of "enumerated powers, and [] no one of its branches, nor all of its branches combined, could constitutionally exercise powers not granted." *Id.* at 379 (Harlan, J., dissenting). He explained:

> [W]e are now informed that Congress possesses powers *outside of the Constitution*, and may deal with new [t]erritory, acquired by treaty or conquest, in the same manner *as other nations have been accustomed to act with respect to territories acquired by them*. . . . This nation is under the control of a written constitution, the supreme law of the land and the only source of the powers which our government, or any branch or officer of it, may exert at any time or at any place. . . . To say otherwise is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican institutions a colonial system such as exists under monarchical governments. Surely such a result was never contemplated by the fathers of the Constitution.

Id. at 379–80 (Harlan, J., dissenting); *see also* Raustiala, *supra*, at 85 ("Some found it hard to see why *all* the powers, but only *some* of the rights, applied in a geographic region that Congress chose not to incorporate. Indeed, the dissenters in *Downes* were highly skeptical of the concept of territorial incorporation, calling it an 'occult' notion with little foundation in American political theory or legal text. For the dissenters, the idea that Congress could understand the basic laws of the United

States as a matter of choice misunderstood the nature of American constitutionalism. It substituted imperial power for republican principles.").

B. The DC Circuit's Decision Affirms the *Insular Cases*

After concluding that the Fourteenth Amendment did not confer birthright citizenship on the people of American Samoa, the Court below applied the framework established in the *Insular Cases* to hold that American Samoans are not entitled to citizenship. Expressly acknowledging that "some aspects of the Insular Cases' analysis may now be deemed politically incorrect," the court nonetheless found that "the framework remains both applicable and of pragmatic use in assessing the applicability of rights to unincorporated territories." *Tuaua v. United States*, 788 F.3d 300, 307 (D.C. Cir. 2015).

The court below also rejected Petitioners' citizenship claim grounded in their birth on American soil by invoking the different citizenship practices of other nations. Specifically, the DC Circuit stated that

> [i]n states following a *jus sanguinis* [right of the blood] tradition birth in the sovereign's domain—whether in an outlying territory, colony, or the country proper—is simply irrelevant to the question of citizenship. Nor is the asserted right so natural and intrinsic to the human condition as could not warrant transgression in civil society.

Id. at 309. However, under the system reinforced by the decision below, American Samoans cannot claim citizenship under any tradition—whether *jus soli* or *jus sanguinis*; they are not entitled to citizenship either by birth on United States soil or through the citizenship of their parents. Indeed, the denial of citizenship to American Samoans, generation after generation, is out of sync even with the practice of several countries following a *jus sanguinis* tradition, which increasingly grant citizenship to habitual residents not entitled to claim citizenship by blood.

II. The United States Is An Outlier Among Nations With Dependencies In Withholding Citizenship From American Samoans

In excluding residents of the territories from full participation in the American polity, the *Insular Cases* drew support from the then-prevailing international law principle that a sovereign could govern its acquired territories in any manner it chose. *See* Cleveland, *supra*, at 237 ("[T]here was no dispute regarding the public international law rule relating to state authority over ceded territories and peoples, and international practice provided substantial support for the Court's solution.").[7]

7. It was broadly accepted at the time that sovereigns had full discretion to grant or withhold citizenship. *See, e.g.*, *Dorr*, 195 U.S. at 140 ("It is . . . well settled that the United States may acquire territory . . . and for that purpose has the powers of other sovereign nations."); *see also* Cleveland, *supra* at 165 ("International practice also recognized the right of the acquiring power to govern a territory as it saw fit. The sovereign had discretion to govern territorial inhabitants either as subordinate colonies and subjects or to give them full citizenship status, and to maintain the laws of the previous sovereign until altered by the new power.").

Several Justices *expressly* relied on this international practice to support their narrow view of the rights afforded to territorial inhabitants. *See Downes*, 182 U.S. at 285 (reasoning that, because the Constitution is ambiguous on the scope of its applicability, the Court had to fall back on the "presumption . . . that [U.S.] power with respect to [the] territories is the same power which other nations have been accustomed to exercise with respect to territories acquired by them"); *id.* at 306 (White, J. concurring) (relying heavily on the "law of nations" to justify a narrow view of the Constitution's applicability to the territories). In the century since the *Insular Cases*, international law and the citizenship practices of other nations have moved on.

A. The International Law Norms Underlying the *Insular Cases* Are Now Obsolete

Putting aside the question raised by Petitioners whether the relevant benchmark is which rights are "universally fundamental," Petition at 30–31, what is clear is that the international law paradigm undergirding the *Insular Cases* is now obsolete. Over the century since the *Insular Cases* were decided, the international law understanding and recognition of individual rights and what those cases considered to be "alien races" has changed profoundly. In particular, the doctrines according colonial powers free rein in governing their territories have been replaced with international human rights principles focused on protecting individual human rights.[8]

8. *See* Cleveland, *supra*, at 254 ("Individual rights objections received scant consideration in the inherent powers cases [including the *Insular Cases*], and some commentators have suggested that

Rather than limit the applicability of rights—the end to which the *Insular Cases* invoked international law—international law today creates rights. "Concepts of citizenship and membership—and the constitutional protections that accompany them—have been expanded in the postwar years to be much more egalitarian and inclusive. Jurisprudence regarding individual rights has become much more robust." Cleveland, *supra*, at 278; *id.* ("Many of the era's decisions regarding other disfavored groups have been abandoned, and principles of due process and equal protection now prohibit the exclusion of women and minorities from political life.").[9]

The post-World War II shift in international law to an individual rights-based framework, which recognizes the importance of citizenship, is epitomized by the Universal Declaration of Human Rights ("UDHR"), passed by unanimous consent of the United Nations General Assembly in 1948. G.A. Res. 217 (III) A, U.N. Doc. A/

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the underdeveloped state of individual rights jurisprudence explains the lack of constraint on federal power in these areas. This was the age of Plessy v. Ferguson, in which common-law and state-law protections, rather than the Constitution, often formed the primary defenses of the individual.") (internal citations omitted).

9. *See also* Peter J. Spiro, *A New International Law of Citizenship*, 15 Am. J. Int'l L. 694, 718 (2011) ("[W]hereas earlier international law constrained states by telling them whom they *could not* include as nationals . . . more recently evolving norms tell states whom they *must* include as citizens. The difference is radical. . . . The old law of citizenship had almost nothing to say about birthright citizenship and naturalization. The new law of citizenship, by contrast, may dictate citizenship eligibility for habitual residents and their children, with implications for the character of national community.").

RES/217 (III) (Dec. 10, 1948).[10] The UDHR proclaimed an international commitment to the protection of a broad range of individual rights and freedoms, including that "[e]veryone has the right to a nationality." *Id.* at art. 15(1). The United States is party to international conventions recognizing the individual's right to a nationality. For instance, the International Covenant on Civil and Political Rights ("ICCPR") guarantees that "[e]very child has the right to acquire a nationality." ICCPR art. 24, Dec. 16, 1996, 999 U.N.T.S. 171. These treaties, alongside several others, underscore international law's modern focus on individual human rights, including as between a national government and the individuals living within its borders.[11]

The shift today towards recognizing an international law right to citizenship is evident. Access to citizenship is of particular significance for populations who habitually reside within a country, as with the American Samoans who have lived in the United States for generations without being granted citizenship. "The prospective norm holds that habitual residents and their progeny should not be relegated to noncitizen status indefinitely and that, at some point in time, territorial presence should give rise to baseline eligibility for citizenship acquisition." *See* Spiro, *supra*, at 720. Indeed, throughout the world, nations with

10. *See* Spiro, *supra*, at 710, 717 ("With [the 1948 Universal Declaration of Human Rights] the discourse shifted away from a[n] order-centered orientation and recognized, instead, the individual's interest in nationality to be a matter of international law. . . . [I]t is becoming increasingly clear that state discretion is no longer unfettered and that citizenship practice must account for the interests of individuals as well as those of states.").

11. The International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") guarantees the "right to nationality." CERD art. 5(d)(iii), Dec. 21, 1965, 660 U.N.T.S. 195.

dependencies increasingly extend citizenship at birth to the children of habitual lawful residents. *Id.* at 729–30.[12] State practice has exemplified this modern trend, with other nations with dependencies rejecting the subordinate status of individuals in their overseas territories in favor of granting them citizenship on an equal basis.

B. Other Nations With Dependencies Now Accord Citizenship to Their Dependencies' Populations

Like the United States, many former colonial powers retain overseas dependencies.[13] However, unlike the United States, these nations have abandoned the anachronistic exclusion of those living in their dependencies and now accord those individuals citizenship. The United States is an outlier in clinging to the dated practice of relegating the people of American Samoa to a second-class "non-citizen national" status.

Historically, a country's discrimination among classes of nationals based on their birth in an overseas dependency was an accepted international practice. For example, under the United Kingdom's previous regime, British Dependent Territories citizens—like American Samoans today—were entitled to UK passports and diplomatic protection, but lacked full equality with British citizens, including the automatic right to live and work in the United Kingdom. *Types of British nationality*,

12. For instance, a party to the European Convention on Nationality must "facilitate in its internal law the acquisition of nationality" of "persons who were born on its territory and reside there lawfully and habitually." European Convention on Nationality, Art. 6(4)(e), Nov. 6, 1997, Europ. T.S. No. 116.

13. *See supra* note 2.

The Gov't of the United Kingdom (July 16, 2015), www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen; *see also* British Nationality Act, 1981, c. 61 (distinguishing among British citizenship and British Dependent Territories citizenship). Recognizing the "sense of injustice felt in many Overseas Territories from not enjoying British citizenship," Sec'y of State for Foreign and Commonwealth Affairs, *Partnership for Progress and Prosperity: Britain and the Overseas Territories* 11 (1999), the British government remedied this historic inequality in 2002 with the passage of the British Overseas Territories Act ("BOT Act"). British Overseas Territories Act, 2002, c. 8. The BOT Act extended full British citizenship to British Dependent Territories citizens (now renamed British Overseas Territories citizens), and further provided that children born in a British Overseas Territory would be British citizens provided that at least one parent was a citizen or legal resident of the relevant territory. *Id.*, sch. 1.[14] The United Kingdom thus ended its historical practice of conferring a lesser status on individuals born in its territories, rather than in the British Isles. Other nations, including Australia, China, Denmark, France, The Netherlands, New Zealand, and Norway also grant citizenship equality to their remaining overseas possessions.[15]

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14. This rule applies equally to the United Kingdom and its dependencies. British Nationality Act, 1981, c. 61, § 1 ("A person born in the United Kingdom after commencement, or in a qualifying territory on or after the appointed day, shall be a British citizen if at the time of the birth his father or mother is—(a) a British citizen; or (b) settled in the United Kingdom or that territory.").

15. The attached exhibit summarizes the prevailing citizenship practices of Australia, China, Denmark, France, The Netherlands, New Zealand, Norway, and the United Kingdom.

Additionally, certain countries with historically marginalized populations have ceased their discriminatory practices and extended citizenship to those groups. For example, following the collapse of the Soviet Union, ethnic Russians living in Latvia were not automatically accorded Latvian citizenship. Org. for Sec. and Co-operation in Europe ("OSCE"), *OSCE Human Dimension Implementation Mtg.: Citizenship policy in Latvia*, OSCE Doc. HDIM.Del/0155/14 (Sept. 22, 2014). These "non-citizens" held a second-class status within Latvia, lacking important political and social rights, including the "the right to vote and to work in the civil service or occupy posts directly related to national security." *Id.* at 2. The Latvian government amended its Citizenship Law in 2013, with the explicit goal of reducing the incidence of non-citizens by birth, by permitting children born to non-citizen parents residing in Latvia to be registered upon birth as citizens. Citizenship Law, ch. 1, § 3.

C. The Time is Ripe for the United States to Adhere to Accepted Citizenship Practices in Relation to American Samoans

The DC Circuit's reliance on the *Insular Cases* as a basis for withholding citizenship from American Samoans reinforces the United States' outlier position in relegating the citizens of a territory—American Samoa—to an inferior status. Even in 1901, the author of the first *Insular Case*, Justice Henry Billings Brown, recognized that the limited application of the Constitution to the territories should last only "for a time." *See Downes*, 182 U.S. at 287 ("If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration

of government and justice, according to Anglo-Saxon principles, may *for a time* be impossible; and the question at once arises whether large concessions ought not to be made *for a time*, that ultimately our own theories may be carried out, and the blessings of a free government under the Constitution extended to them.") (emphases added). Today, 115 years later, the time for withholding citizenship from American Samoans—on the basis of now obsolete and supplanted international law practices—has long passed.

CONCLUSION

Justice Brown's opinion in *Downes v. Bidwell* suggests that the standard expounded in the *Insular Cases* was informed by a concern among some at that time that populations in newly acquired territories were unfit to participate in the American polity. In limiting the application of the Constitution in those territories, the *Insular Cases* drew heavily on then-prevailing international law principles allowing sovereigns broad authority over the treatment of their territories' peoples. International law has now moved on; the law in the United States has not. Today, international law no longer affords such unfettered discretion to sovereigns—rather, it recognizes that the rights of individuals must be accounted for when considering questions of citizenship. *Amici* respectfully urge this Court to grant the petition for writ of certiorari and to bring United States' citizenship practice into line with the current thrust of international law and the accepted citizenship practices of other nations with dependencies.

Respectfully submitted,

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APPENDIX

APPENDIX — CITIZENSHIP PRACTICE WITH REGARD TO TERRITORIES

Country	Citizenship Practice with Regard to Territories
Australia	*Australian Citizenship Act 2007* (Cth) pt 1, s 3; *id.* at pt 1, s 4(1); *id.* at pt 2, div 1, s 12(1); *id.* at p 2, div 1, s 15(1).
China	Xianggang Jiben Fa cap. II art. 18 (H.K.); *id.* annex III part 5; Zhonghua Renmin Gongheguo Aomen Tebie Xingzhengqu ji ben fa (The Basic Law of the Macao Special Administrative Region of the People's Republic of China) cap. II art. 18; *id.* annex III part 3; Guoji fa (国籍法) [Nationality Law] (promulgated by the Standing Comm. Nat'l People's Cong., Sept. 10, 1980, effective Sept. 10, 1980), art. 4 (ChinaLawinfo); *id.* at art. 6.
Denmark	Consolidated Act on Danish Nationality 2004 s 1(1).
France	Code Civil [C. civ.] [Civil Code] art. 19-3 (Fr.); *id.* at art. 17-4.
Netherlands	Netherlands Nationality Act, Stb. 1984, 628, ch. 2, art. 3(3), *translated at* http://eudo-citizenship.eu/NationalDB/docs/NL%20Netherlands%20Nationality%20Act%20(consolidated%202010,%20English).pdf.

Appendix

New Zealand	New Zealand Citizenship Act 1997, §§ 2(1), 6.
Norway	Norwegian Nationality Act 2006, ch. 1; *id.* § 4.
United Kingdom	British Overseas Territories Act, 2002, c. 8, § 3(1); *id.* § 50(1).