

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

Jonathan Hernández Zorrilla, et als

Plaintiffs,

v.

Ricardo Rosselló Nevares, et als

Defendants.

CIVIL NO. 19-cv-1397 (GMM)
Consolidated with case number
19-cv-1414

Civil Rights Violation, Declaratory and
Injunctive Relief, Compensatory and
Punitive

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO THE NOTICE OF INJUNCTION**

TO THE HONORABLE COURT:

COME NOW, the plaintiffs of the instant case, through the ACLU of Puerto Rico and the undersigned attorney, and very respectfully state and pray:

I. INTRODUCTION

The *Puerto Rico Oversight, Management, Economic, and Stability Act* (PROMESA)¹, enacted by Congress in 2016, is a *sui generis* bankruptcy regime that was created with the purpose of restoring the credit of Puerto Rico by paying a multi-million dollar debt to bond holders. A Financial Oversight and Management Board was established pursuant to PROMESA and endowed with broad powers to achieve this end.² Consisting of members appointed by the President of the United States, the Board's authority supersedes that of the elected public officials of the government of Puerto Rico. The Board has used its authority to impose its ideology and policy

¹ 48 USC § 2101 *et seq.*

² *Id.* at § 2121.

preferences upon the Puerto Rican people, scaling back decades of social progress and jeopardizing the wellbeing of the population.

II. SUPPLEMENTAL ARGUMENTS UNDER THE BANKRUPTCY CLAUSE AND INTERNATIONAL LAW

A. PROMESA violates the Bankruptcy Clause of the U.S. Constitution.

The Uniformity requirement of the Bankruptcy Clause in the U.S. Constitution establishes that “Congress shall have power [...] to establish [...] uniform laws on the subject of bankruptcies throughout the United States.” U.S. CONST. Art. I, § 8, cl. 4. PROMESA violates that requirement by creating a bankruptcy regime specifically aimed at Puerto Rico and its instrumentalities. This classification is inherently suspect and is not an appropriate application of Congressional authority under the Constitution.

For historical context, in the years following the ratification of the U.S. Constitution, the Bankruptcy Clause was understood to grant Congress the power to enforce uniformity but states still retained the freedom to enact insolvency laws within their respective jurisdictions.³ The modern era of uniform federal bankruptcy laws began with the enactment of the Bankruptcy Act of 1898 (*An Act to establish a uniform system of bankruptcy throughout the United States*, Act of July 1, 1898, Chap. 541, 30 Stat. 544 (repealed 1978)). As the framework for a federal bankruptcy regime came into effect, the Supreme Court began to limit the clause’s powers and define its boundaries. *See generally, Louisville Joint Stock Land Bank v. Radford*, 295 US 555 (1935); *Ashton v. Cameron Cnty. Water Improvement Dist. No. One*, 298 US 513 (1936); *United States v. Berkins*, 304. US 27 (1938); *Wright v. Union C. Life Ins. Co.*, 304 US 502 (1938).

³ Stephen J. Lubben, *A New Understanding of the Bankruptcy Clause*, 64 Case W. Rsrv. L. Rev. 319, 341-342 (2013).

In the 1970's, the bankruptcy of the railroad industry spurred Congress to act again. The Regional Rail Reorganization Act of 1973⁴ created a special court to address a specific set of debtors (railroads) with specific debtor rules for the industry. In *Blanchette v. Conn. Gen. Ins. Corp.*, 419 US 102 (1974), the Supreme Court determined that the Act did not violate the uniformity requirement of the Bankruptcy Clause because of the “flexibility inherent in [that] constitutional provision”. *Id.* at 158. However, just a few years later, in *Ry. Labor Execs. ' Ass'n v. Gibbons*, 455 US 457 (1982), the Supreme Court held that a law passed to address a single railroad debtor violated the uniformity requirement, stating that “[t]o survive scrutiny under the Bankruptcy Clause, a law must at least apply uniformly to a defined class of debtors”. *Id.* at 470-473. While this seems to allow certain sectors access to unique insolvency proceedings under the Bankruptcy Clause, it does not preclude the inherently suspect nature of narrowly drawn bankruptcy laws. “[R]ecitation of a general purpose does not justify narrow application to a single debtor where, as here, the purpose does not explain the non-uniform treatment[.]” *Id.* at 476-477 (J. Marshall, concurring).

This is precisely where PROMESA runs afoul of the Bankruptcy Clause. The *Puerto Rico Oversight, Management, and Economic Stability Act* creates a bankruptcy regime that applies to a single debtor, the Commonwealth of Puerto Rico. While PROMESA espouses a general purpose⁵ and claims that it could potentially apply to other jurisdictions⁶, it was drafted and enacted with the purpose of creating a bankruptcy regime specifically for Puerto Rico.⁷ PROMESA has only

⁴ Pub. L. No. 93-236, 87 Stat. 985 (1974) (repealed in part).

⁵ 48 USC 2121(a). (“The purpose of the Oversight Board is to provide a method for a covered territory to achieve fiscal responsibility and access to the capital markets.”)

⁶ 48 USC 2104(20). (“The term ‘territory’ means– (A) Puerto Rico; (B) Guam; (C) American Samoa; (D) the Commonwealth of the Northern Mariana Islands; or (E) the United States Virgin Islands.”)

⁷ See House Committee on Natural Resources, *House Committee on Natural Resources Releases Puerto Rico Discussion Draft*, Press Release, March 29, 2016. Available at: <https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=400181>;

ever been applied to Puerto Rico because that is what it was intended to do, and that is a violation of the uniformity requirement of the Bankruptcy Clause.

Furthermore, there is no doubt that the bankruptcy regime created by PROMESA for Puerto Rico is unique. PROMESA allows for the creation of an Oversight Board with the ability to trump local, elected officials' decision-making authority. PROMESA allows not only Puerto Rico's instrumentalities, but also its central government to initiate debt adjustment proceedings based on fiscal plans and budgets approved at the sole discretion of the Oversight Board. However, the Board, and not the government of Puerto Rico, is the only entity authorized to become the representative of the debtor, 48 USC § 2175(b), to file the petition, *Id.* at § 2164(a)(1), a plan of adjustment, *Id.* at § 2172(a)(2), and otherwise generally submit filings in relation to the case with the court, *Id.* at § 2172(a)(3). Under Chapter 9 of the Bankruptcy code, the debtor needs no representative and manages the proceedings before the bankruptcy court. By contrast, under PROMESA, the Oversight Board runs all matters of the Title III proceedings as the representative of the debtor. Thus, by creating an Oversight Board with broad powers and decision-making authority, PROMESA establishes a unique system for Puerto Rico that differs significantly from proceedings under Chapter 9 of the Bankruptcy Code.

In *Matter of Reese*, 91 F.3d 37 (7th Cir. 1996), the Seventh Circuit stated the following:

The limited legislative history of the uniformity clause, plus the decisions by the Supreme Court interpreting it, establish that the clause forbids only two things. The first is arbitrary regional differences in the provisions of the Bankruptcy Code. The

Jacob Lew, *The Puerto Rico rescue we need: U.S. Treasury Secretary Jacob Lew defends the bipartisan legislation to save the island from crushing debt*, Opinion, New York Daily News, June 1, 2016. Available at: <https://www.nydailynews.com/opinion/jacob-lew-puerto-rico-rescue-article-1.2656285>.

See also, for example Vann R. Newkirk II, *Congress's Promise to Puerto Rico*, The Atlantic, May 19, 2016. Available at: <https://www.theatlantic.com/politics/archive/2016/05/congress-puerto-rico-bill-promise/483572/>;

Patricia Guadalupe, *Here's How PROMESA Aims to Tackle Puerto Rico's Debt*, NBC News, June 30, 2016. Available at: <https://www.nbcnews.com/news/latino/here-s-how-promesa-aims-tackle-puerto-rico-s-debt-n601741>

second is private bankruptcy bills—that is, bankruptcy laws limited to a single debtor—or the equivalent.

Id. at 39 (citation omitted).

By creating a bankruptcy regime applicable only to Puerto Rico, PROMESA incurs in both. PROMESA’s establishment of an Oversight Board endowed with exclusive authority for the bankruptcy proceedings of the government of Puerto Rico constitutes an illegal taking of the budget of Puerto Rico.

PROMESA is unconstitutional because it violates the Bankruptcy Clause of the U.S. Constitution.

B. PROMESA is in violation of International Human Rights Law.

The right to self-determination of peoples constitutes a legal norm present in both treaty law and customary international law. It is considered an essential precondition for the genuine existence of all other rights and freedoms.⁸ As an anti-colonial standard, self-determination has become firmly rooted among the fundamental principles of international human rights law and, as many prominent scholars suggest, has risen to the level of *jus cogens*.⁹

With regard to the interplay between treaty and customary law on self-determination, at least in the specific context of decolonization, both confer a substantive human right to external self-determination which is similar in scope and content.¹⁰ International law substantially limits a state’s exercise of its sovereignty over colonial territories. States are no longer free to preside over

⁸ Héctor Gros Espiell, *The Right to Self-determination: Implementation of United Nations Resolutions*, E/CN.4/Sub.2/405/Rev.1 (1980), par. 59.

⁹ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (2005), pp. 13-14; Antonio Cassese, *Self-Determination of Peoples: A Legal Standard* (1995), pp. 319-320; Héctor Gros Espiell, *supra*, par. 70. See also Jörg Fisch, *The Right to Self-Determination of Peoples: The Domestication of an Illusion* (2015), p. 10; Stefan Oeter, ‘The Role of Recognition and Non-Recognition with Regard to Secession’ in Christian Walter, von Ungern-Sternberg and Abushov (eds.), *Self-Determination and Secession in International Law* (2014), p. 52; David Raič, *Statehood and the Law of Self-Determination* (2002), p. 218.

¹⁰ See Cassese, Chapter 7.

these territories as they see fit. Instead, they must set aside their own interests and work to foster the conditions that would be most conducive in each territory to the emergence of a viable, self-governing polity. As Cassese eloquently explains, the right to self-determination imposes a far-reaching legal standard of conduct:

[T]he gradual emergence of legal rules on self-determination, has led to the emergence of a set of legal obligations for those countries still enjoying sovereignty over colonial territories. These obligations [...] do not produce the immediate legal effect of rendering the legal title over colonial territories null and void. Rather, besides setting out a series of limitations and qualifications intended greatly to restrict sovereignty, they envisage a temporary legal regime that must of necessity lead to the eventual extinction of legal title. In a way, these obligations act as a sort of time-bomb: the holder of sovereign title has to fulfil them knowing that by this action it will eventually have to relinquish its title.¹¹

The operative legal text regarding this standard is Article 73 of the United Nations Charter. It recognizes that the “interests of the inhabitants of these territories are paramount” and, in conjunction with common Article 1 of the two International Covenants of Human Rights¹², establishes that the well-being of all peoples is contingent upon them being able to freely determine their international status. Article 73 states:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

¹¹ Cassese, pp. 186-187. *See also* Crawford, pp. 613-615 (“The view that sovereignty over a non-self-governing territory remains with the administering State can be accepted only with reservations. That State has accepted far-reaching obligations with respect to such territories[...] [T]o the extent that sovereignty implies the unfettered right to control or to dispose of the territory in question, the obligation in Article 73b, and the associated principle of self-determination, substantially limit the sovereignty of the Administering State.”)

¹² International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S. 3 (1976) & International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1976).

- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

According to Article 73, non-self-governing territories are identified as those “whose peoples have not yet attained a full measure of self-government”. The provision sets out five specific undertakings that correspond to member states of the U.N. which are responsible for non-self-governing territories, among them the obligation to develop self-government. The first four undertakings, subsections (a) – (d), are obligations that states assume vis-à-vis the inhabitants of the colonial territories they control. The fifth undertaking, the reporting requirement of subsection (e), is an obligation assumed vis-à-vis the United Nations directly. Article 73 of the UN Charter constitutes the roadmap for the decolonization of non-self-governing territories.

The content of this obligation evinces a clear fiduciary character, reminiscent of general institutions of trusteeship whereby one party has a duty to forego its own personal interests and act solely in the interests of another. It was recognized as such by J. Weeramantry in *Case Concerning*

East Timor (1995), where the fiduciary character of Article 73 was explicitly affirmed and the responsibility conferred upon states was viewed as being of equal nature to that of a trustee.¹³

At the level of specifics, compliance with this obligation may take different forms depending on the circumstances of each case. However it must always be oriented toward self-determination and decolonization. In support of this, the United Nations General Assembly has made numerous recommendations to states regarding what constitutes appropriate conduct under Article 73. For example, it has recognized that a colonial territory's increased participation in its own governance, through the attainment of effective decision-making authority, is an appropriate manifestation of the required development mentioned in Article 73.¹⁴

Moving away from the strictly political, under Article 73 the General Assembly has also recommended increased diversification in colonial economies that it considered were too narrowly focused¹⁵ or were based primarily on highly-fluctuating economic activities such as tourism, tax haven arrangements and land sales.¹⁶ When discussing the aims of economic development in colonial territories, the General Assembly has employed phrases such as “viable and stable”¹⁷,

¹³ *Case Concerning East Timor (Portugal v. Australia)*, ICJ Reports 1995, pp. 188-189 (dissenting opinion of Judge Weeramantry).

¹⁴ General Assembly Resolution 1468 (XIV), *Voluntary transmissions of information on political developments in Non-Self-Governing Territories* (12 December 1959) and General Assembly Resolution 1535 (XV), *Progress achieved in Non-Self-Governing territories* (15 December 1960).

¹⁵ General Assembly Resolution 3156 (XXVIII), *Question of American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles and Solomon Islands* (14 December 1973) and General Assembly Resolution 3290 (XXIX), *Question of American Samoa, Guam, New Hebrides, Pitcairn, St. Helena and Solomon Islands* (13 December 1974).

¹⁶ General Assembly Resolution 3157 (XXVIII), *Question of Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and United States Virgin Islands* (14 December 1973) and General Assembly Resolution 3289 (XXIX), *Question of Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and United States Virgin Islands* (13 December 1974).

¹⁷ General Assembly Resolution 32/31, *Question of the United States Virgin Islands* (28 November 1977).

“sustainability”¹⁸, “strengthening and diversification”¹⁹, “economic stability”²⁰ and “economic self-reliance”²¹. It should not be lost on this Court that the above-referenced General Assembly resolutions were all made, at least in part, with regard to non-self-governing territories for which the United States is responsible. In any case, these development aims lead to two important conclusions. First, that the obligation corresponds not only to the need to secure the required outcome of decolonization, but also the need to ensure the long-term viability of that outcome to the fullest extent possible. Second, that colonial dependence is multifaceted and therefore, a general atmosphere of economic, social and cultural freedom must be part and parcel of political decolonization.

However, contrary to the standard of conduct imposed by the right to self-determination, the United States has not fostered the conditions for self-government and decolonization in Puerto Rico. The United States has not recognized any of the limitations imposed on its sovereignty by international law, and has instead continued to protect its own interests in Puerto Rico. The political relationship between Puerto Rico and the United States has remained fundamentally unchanged for over a century. In 1901, the Supreme Court ruled that under the US domestic legal framework, Puerto Rico constituted a territorial possession of the United States.²² In 2016, over a century later, the Supreme Court reiterated that this continues to be the case.²³ The United States’ insistence on the colonial power structure has not allowed Puerto Rico to develop politically in

¹⁸ General Assembly Resolution 70/102 A-B, *Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands* (9 December 2015).

¹⁹ General Assembly Resolution 55/144, *Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands* (8 December 2000).

²⁰ General Assembly Resolution 44/99, *Question of the United States Virgin Islands* (11 December 1989).

²¹ General Assembly Resolution 40/56, *25th anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples* (2 December 1985).

²² *Downes v. Bidwell*, 182 US 244, 341-342 (1901).

²³ *Commonwealth of Puerto Rico v. Sánchez Valle et al.*, 579 US 59, 75–76 (2016).

any significant way. Following the creation of the United Nations, cosmetic changes to the relationship were made in order to appease the international community, as was the adoption of Puerto Rico's Constitution in 1952. However, by and large, the United States has disregarded calls for political advancement and decolonization coming from in and out of Puerto Rico.

To this day the United States continues to intervene substantially in the internal affairs of Puerto Rico. US federal law applies automatically to Puerto Rico, supersedes local law in the case of conflict and, within Puerto Rico, there are no exclusive areas of local governmental authority.

The most recent example of this is Congress' enactment of PROMESA in 2016 and the creation of the Fiscal Oversight and Management Board. The Board, an unelected entity with significant powers over the local government, is the legal and political manifestation of the United States' refusal to restrict the exercise of its sovereignty and foster conditions for decolonization within Puerto Rico. Seen largely as a collection agency for Puerto Rico's creditors²⁴, the Board has committed Puerto Rico to onerous debt repayment while refusing to support an audit of Puerto Rico's government debt, in contrast to what many sectors of the local population are calling for.²⁵ The Board has also pushed for significant privatization of the Puerto Rican government as a means to fund short-term debt repayment. All of these profoundly impactful decisions are being made behind closed doors by an unelected body imposed by the United States, instead of putting these and other important decisions in the hands of Puerto Ricans where they belong.

The international community has also made several recent pronouncements denouncing PROMESA and the imposition of the Board in Puerto Rico. Following an official visit to Puerto

²⁴ Martín Guzmán and Joseph E. Stiglitz, 'Disaster Capitalism Comes to Puerto Rico', Project Syndicate, 15 November 2018, available at: <https://www.project-syndicate.org/commentary/puerto-rico-fiscal-plan-cofina-deal-by-martin-guzman-and-joseph-e-stiglitz-2018-11?barrier=accesspaylog>.

²⁵ Luis Valentín Ortiz, '*Retrasada la auditoría de la Junta, mientras coge impulso la negociación de la deuda*', 11 June 2018, Centro de Periodismo Investigativo, available at: <https://periodismoinvestigativo.com/2018/06/retrasada-la-auditoria-de-la-junta-mientras-coge-impulso-la-negociacion-de-la-deuda/>.

Rico in December 2017, the United Nations Special Rapporteur on extreme poverty and human rights, Philip Alston, made the following statements in his ensuing Report:

23. Puerto Rico has a fiscal deficit and a political rights deficit, and the two are not easily disentangled. The Special Rapporteur met with the Executive Director of the Financial Oversight and Management Board that was imposed by Congress in 2016 on Puerto Rico as part of the Puerto Rico Oversight, Management, and Economic Stability Act. There is little indication that social protection concerns feature in a meaningful way in the Board's analyses. At a time when even the IMF is insisting that social protection should be explicitly factored into prescriptions for fiscal adjustment (i.e., austerity), the Board should take account of human rights and social protection concerns as it contemplates far-reaching decisions on welfare reform, minimum wage and labour market deregulation.

24. It is not for the Special Rapporteur to suggest any resolution to the hotly contested issue of the constitutional status of Puerto Rico. Many interlocutors, however, made clear the widespread feeling that Puerto Ricans consider their territory to be colonized and that the United States Congress is happy to leave them in a limbo in which they have neither meaningful Congressional representation nor the ability to govern themselves. In the light of recent Supreme Court jurisprudence and Congress's adoption of the Puerto Rico Oversight, Management, and Economic Stability Act there seems to be good reason for the Special Political and Decolonization Committee of the United Nations to conclude that the island is no longer a self-governing territory.²⁶

The United Nations Special Rapporteur on minority issues, Fernand de Varennes, included the following statement in a Report after an official visit to Puerto Rico in November 2021:

62. The Commonwealth of Puerto Rico is similarly devoid of equal rights to political participation and representation. Puerto Rico has a fiscal deficit that compounds its political rights deficit. Because of the territory's precarious budgetary position, real legal and political authority ultimately resides in the Financial Oversight and Management Board for Puerto Rico, which was imposed by Congress as part of the Puerto Rico Oversight, Management and Economic Stability Act of 2016. The draconian austerity measures imposed on Puerto Rican territorial authorities and the whole population, without regard to any obvious human rights considerations in the decisions made by the Board, have led to dramatic cuts and reductions in areas such as public education and public health. It is difficult to disagree with the claims made by many Puerto Ricans during meetings in San Juan and Vieques, that Puerto Rico is being controlled by a colonial-type overseas power to the detriment of its people, without any meaningful

²⁶ Philip Alston, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America*, May 4, 2018, UN Doc. No. A/HRC/38/33/Add.1

representation at the national level and with no real ability to govern itself as a Non-Self-Governing Territory in the international sense.²⁷

Lastly, the General Assembly's Special Committee on Decolonization, which since 1972 has issued a total of forty (40) resolutions²⁸ recognizing Puerto Rico's inalienable right to self-determination and has kept the question of Puerto Rico under continuous review, stated in its most recent resolution:

3. *Notes with concern* that, by virtue of the decision of the United States Congress, under the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA) which creates the Financial Oversight and Management Board, the already weakened area in which the prevailing regime of political and economic subordination in Puerto Rico operates is reduced further[.]²⁹

A crucial part of the international obligation to decolonize entails implementing developmental policies that will foster viable and stable economies in non-self-governing territories. This is necessary in order to strengthen the long-term prospects of self-determination and decolonization. However, throughout its entire history under US control, US economic interests have dominated in Puerto Rico to the detriment of the people. Since the early twentieth century, the economic policies adopted and encouraged by the United States ensured that Puerto Rico's only available developmental path was as a tax haven and provider of low-cost labor for US corporations.³⁰ While these policies greatly favored US economic interests, they have impeded

²⁷ Fernand de Varennes, *Visit to the United States of America: Report of the Special Rapporteur on minority issues*, August 17, 2022, UN Doc. No. A/HRC/49/46/Add.1.

²⁸ See Special Committee decisions and resolutions concerning Puerto Rico: A/AC.109/419, A/AC.109/438, A/AC.109/574, A/AC.109/589, A/AC.109/628, A/AC.109/677, A/AC.109/707, A/AC.109/751, A/AC.109/798, A/AC.109/844, A/AC.109/883, A/AC.109/925, A/AC.109/973, A/AC.109/1013, A/AC.109/1051, A/AC.109/1088, A/AC.109/2131, A/AC.109/1999/28, A/AC.109/2000/24, A/AC.109/2001/22, A/AC.109/2002/22, A/AC.109/2003/22, A/AC.109/2004/L.7, A/AC.109/2005/L.7, A/AC.109/2006/L.7, A/AC.109/2007/L.7, A/AC.109/2008/L.7, A/AC.109/2009/L.7, A/AC.109/2010/L.8, A/AC.109/2011/L.6, A/AC.109/2012/L.7, A/AC.109/2013/L.6, A/AC.109/2014/L.6, A/AC.109/2015/L.6, A/AC.109/2016/L.6, A/AC.109/2017/L.12, A/AC.109/2018/L.7, A/AC.109/2019/L.7., A/AC.109/2021/L.7, and A/AC.109/2022/L.7.

²⁹ *Decision of the Special Committee of 18 June 2021 concerning Puerto Rico*, June 15, 2022, UN Doc. No. A/AC.109/2022/L.7.

³⁰ Diane Lourdes Dick, 'US Tax Imperialism in Puerto Rico', 65 *American University Law Review* 1 (2015), pp. 64-65.

the development of local economic growth and have left Puerto Rico locked in a cycle of dependency.³¹ Today, US interests continue to have a stranglehold on the Puerto Rican economy, which has become a model of extreme capitalist wealth extraction where US corporations reap over 30 billion dollars in profits annually.³² Meanwhile, over 43% of the population of Puerto Rico continues to live in poverty.³³

WHEREFORE, Plaintiffs request that the Court deny Defendants' motion at DE No. 78.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on this 1st day of June 2023.

CERTIFICATE OF SERVICE: I hereby certify that copy of this motion has been electronically filed on this date with the Clerk of the Court using the CM/ECF system.

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³¹ Dick, pp. 85-86.

³² Argeo T. Quiñones Pérez and Ian J. Seda Irizarry, 'Wealth Extraction, Governmental Servitude, and Social Disintegration in Colonial Puerto Rico', 15:4 New Politics (2016), p. 97.

³³ Data from 2019. Available at: <https://www.census.gov/quickfacts/PR>.