

DEPAUL UNIVERSITY COLLEGE OF LAW



ENLUND LECTURE AND SCHOLAR-IN-RESIDENCE

Expulsion, Statehood, and the Future of Puerto Rico

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Expulsion, Statehood, and the Future of Puerto Rico

There is broad agreement that Puerto Rico's current status as an "unincorporated territory" is intolerable—a fact made particularly stark by the island's ongoing debt crisis and two Supreme Court decisions last term emphasizing its second-class sovereignty. Ideally, the island and federal government would agree to a more sustainable alternative, such as statehood or independence. But the results of the last election—both on the island and the mainland—might have increased the likelihood of disagreement. Who, then, will get to decide the future of the island, and what are the options? Could the United States deny Puerto Rico statehood, even if Puerto Ricans overwhelmingly supported it? Could the United States expel Puerto Rico into independence, as other former imperial powers have done with their colonies?

The answers are not obvious; yet they are central to the theory and practice of statehood and self-determination. We argue that domestic and international law give the people of Puerto Rico the legal right to determine their own status vis-à-vis the mainland, whether that means independence or statehood. In a world where borders and sovereign territory seem not only malleable but negotiable, and millions of people still live in former colonies, these conclusions have implications far beyond the United States.

Wednesday, April 19, 2017

3–4 p.m.

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Professor Mitu Gulati is on the faculty of the Duke Law School. His primary research area is sovereign debt finance, and specifically the question of what happens, and what can be done, when countries are unable to service their debts. Currently, he is doing research on the possible impacts of (and solutions to) the Puerto Rican and Venezuelan debt crises.



Professor Joseph Blocher (co-author) is a professor at Duke Law School. His primary academic interests include constitutional law, sovereignty, and property law. Much of his current work explores how those three concepts interact in specific legal settings, including attempted secessions and annexations, the refugee crisis, and the legal status of colonial-type territories such as Puerto Rico.

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25 East Jackson Boulevard
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