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President & General Counsel

March 11, 2010

Governor Luis G. Fortuño
La Fortaleza
P.O. Box 9020082
San Juan, PR 00902-0082

Dear Governor Fortuño:

The law you strongly advocated for and recently signed, "Law Prohibiting Public and Private Entities from Retaining, Storing, or Holding Certified Copies of Birth Certificates," creates serious problems for the more than 1 million Puerto Rican-born residents of the mainland United States. As detailed below, I ask that you amend and/or implement it in such a way so as to minimize the harm it will otherwise inflict on Puerto Ricans across the mainland.

Two factors make this the worst possible time for the government of Puerto Rico to question the validity of Puerto Rican birth certificates. As you are aware, an immense and very intense anti-Latino climate has erupted here due to the influx of Latino immigrants that has enflamed pre-existent racial and xenophobic sentiments. Further, there is an escalating mandate to document one's identity for obtaining jobs, driver's licenses, and government benefits driven by the fear of terrorist attacks and the availability of immense, but very imperfect, data networks.

Further magnifying this problem is the fact that many people in the United States have only recently begun to understand that documents from Puerto Rico are to be given the same respect as those of other U.S. jurisdictions. Not too long ago, my organization needed to intervene on behalf of Puerto Rican residents of New Hampshire who were required to go to a special Motor Vehicles office for foreign-born residents to establish their eligibility for a driver's license.

I am certain that you can understand this new law damages all people born in Puerto Rico who are entitled to have their birth certificates respected and thus undermines the efforts of many of us to have worked for decades to secure equal treatment for Puerto Ricans living in the mainland. Here on the mainland no one will remember the date that Puerto Rico purportedly improved its birth certificates. They will only remember that Puerto Rico birth certificates are not to be accepted as valid.

We have already seen evidence of this in several states where, even before the new law goes into effect, existing birth certificates are no longer being accepted. My office has been informed that California and Ohio have already announced they will no longer recognize any birth certificates from Puerto Rico. With almost 300,000 Puerto Ricans living in California and another 80,000 in Ohio, tens of thousands of Puerto Ricans are being denied their ability to get driver's licenses because of a misunderstanding. We can assume that many other jurisdictions will follow suit and will begin to question the validity of all documents issued in Puerto Rico. The resultant harm to Puerto Ricans may very well be massive.

I would urge you to extend the law's transition period by at least six months and permit the acceptance of current birth certificates up through December 31, 2010 and thus allow all local and federal agencies to develop well-thought-out and carefully-implemented adoptions of the new policy. Up until that date I would also urge you to initiate an extensive public relations campaign to give notice to Puerto Ricans on the mainland of this change and thus allow them to take whatever actions they need to take in response. In addition, I would strongly urge you to communicate immediately with these state offices to clarify the terms of the law, and to prevent any further problems that could result.

I look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perales". The signature is written in a cursive, flowing style.

Cesar A. Perales
President and General Counsel
LatinoJustice PRLDEF