

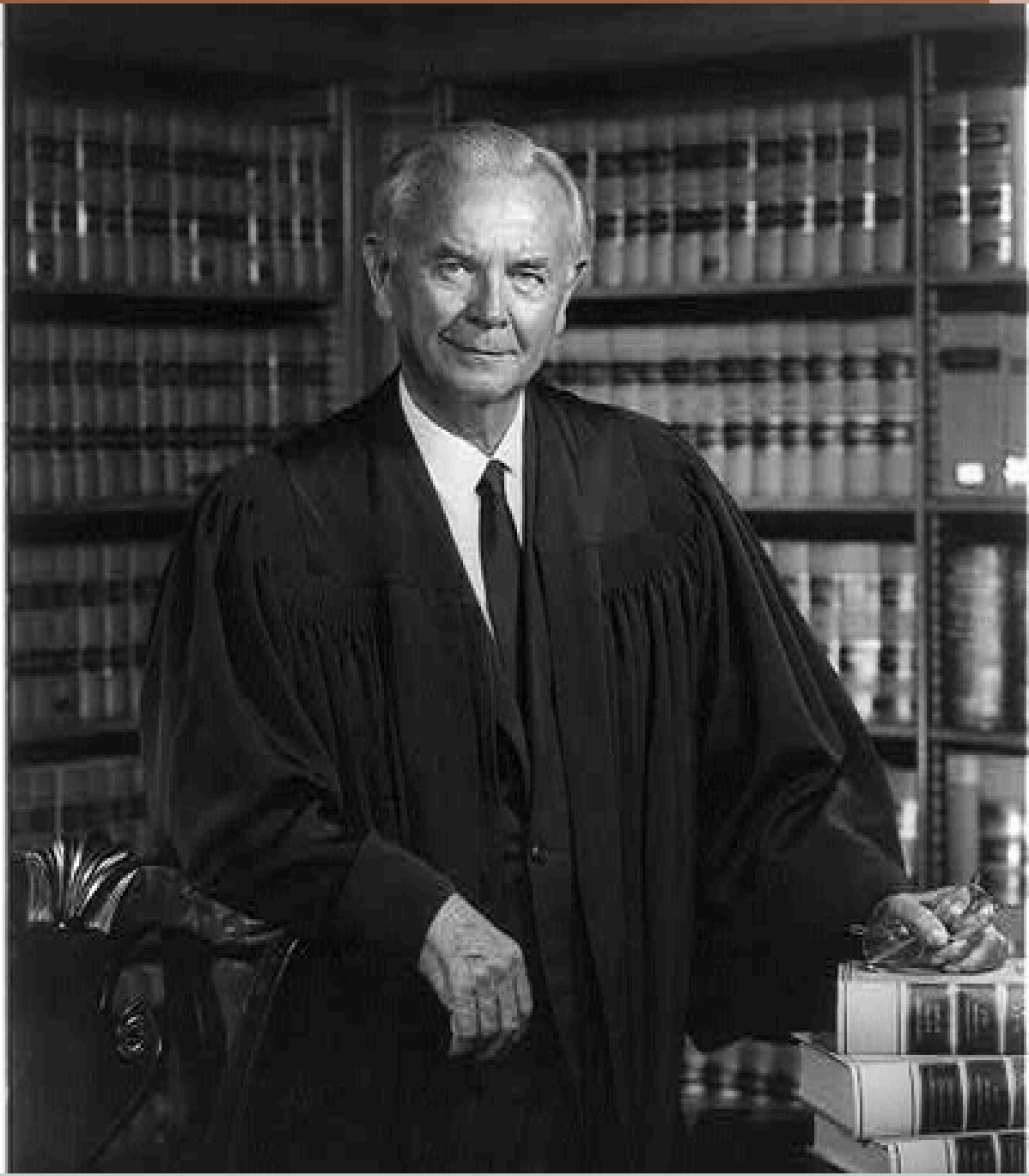
The Supreme Court's Ruling *Examining Board v. Flores* (1976)

INTRODUCTION

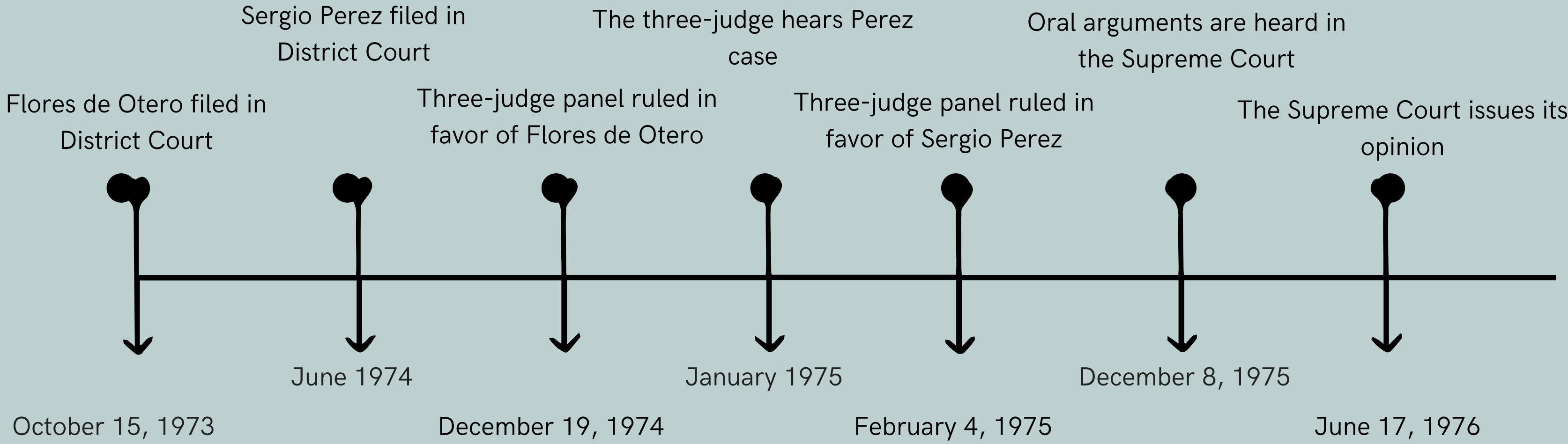
Since the *Maria Flores de Otero v. Examining Board* case challenged the constitutionality of a Puerto Rican Law, a three-judge District Court was convened. After the panel ruled in the plaintiff's favor, the attorney for the Examining Board, Miriam Naveira Merly, appealed the case directly to the Supreme Court of the United States. Justice William Brennan, the Justice over the First Circuit, noted probable jurisdiction.

Maria Flores de Otero was a Mexican citizen and legal resident of Puerto Rico. An accomplished civil engineer, she met all the criteria to practice in Puerto Rico, and she decided to apply for her civil engineering license. The examining board rejected her application due to alienage. Sergio Perez was a Spanish citizen and legal resident of Puerto Rico. He possessed degrees from universities in Spain, Colombia, and the University of Puerto Rico. Like Flores de Otero, he was not a United States citizen.

Mrs. Flores and Mr. Perez separately filed suit in the Federal District Court of Puerto Rico, and they won their cases. The Board of Engineers decided to appeal the cases. When the appeals reached the Supreme Court, the cases were combined. The oral argument was held on December 8, 1975.



TIMELINE



ARGUMENTS

CENTRAL ARGUMENTS FROM THE APPELLANT

- Filing theses cases in federal court undermines the authority of local Puerto Rican courts to address the constitutionality of their own laws.
- Puerto Rican citizens are more knowledgeable about Puerto Rico's distinctive geographic characteristics.
- Non-citizens have less loyalty to Puerto Rico and might not assume responsibility if a building is defective.

CENTRAL ARGUMENTS FROM THE APPELLEE

- Puerto Rico's constitution must conform to the U.S. Constitution.
- The Puerto Rican statute requiring United State's citizenship violates the Fifth and Fourteenth Amendments.
- The employment of immigrants should not be a concern in Puerto Rico when there is a demonstrated need for more qualified individuals.



“Finally, we hold that Puerto Rico's prohibition of an alien engaging in the private practice of engineering deprives the applicant's rights secured by the constitution in laws within the meaning of Section 1983 and that this is so whether it is the Fifth or the Fourteenth amendment that has application”.

-Mr. Justice Blackmun

IMPACT

The impact of the Supreme Court's decision in the *Examining Board v. Flores de Otero* case creates the opportunity for non-United States citizens to gain their professional licensure as long as they meet all the other requirements. This case serves as a precedent for other cases that have similar facts. The Supreme Court of the United States, however, declined to determine whether the Fifth Amendment or the Fourteenth Amendment is applicable to the Commonwealth of Puerto Rico.



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