

Historical and Constitutional Context

Examining Board v. Flores (1976)

5TH AMENDMENT

“... nor be deprived of life, liberty, or property, without due process of law...”

14TH AMENDMENT

“...No State shall... deny to any person within its jurisdiction the equal protection of the laws.”

KEY LEGISLATION

Title 689 is a Puerto Rican statute that sets forth the necessary qualifications to practice engineering, architecture, and surveying, including a citizenship requirement and a residency in Puerto Rico for at least one year before applying to receive a license. Furthermore, under Title 42 U.S.C. § 1983, individuals are allowed to sue in federal court when their constitutional rights are being violated. In this particular case, Flores de Otero sued under Title 42 U.S.C. § 1983, claiming that Title 689 violated her equal protection rights under the 14th Amendment. Both of these were critical when analyzing the *Examining Board of Engineers, Architects and Surveyors, etc., et al. v. Flores de Otero* case.

CASE SUMMARY

In the 1976 *Examining Board v. Flores de Otero* case, several legal frameworks distinguished themselves and exemplified the plaintiff's argument, eventually supporting the ruling that was decided. For instance, both the 5th and 14th Amendments were utilized to argue that Flores de Otero’s constitutional rights were being violated on the basis of inequality. On this same note, by mentioning the PR Federal Relations Act of 1950 (Public Law 600), the appellee was able to use the Supremacy Clause to argue that the Puerto Rican Title 689 was contradictory to the Constitution of the United States. This ultimately helped the Supreme Court rule in favor of Flores de Otero because her constitutional rights were violated.

HISTORICAL CONTEXT

1940s

Operation Bootstrap led Puerto Rico into an era of industrialization

1952

The Commonwealth Status of Puerto Rico is established

1964

Laws requiring U.S. citizenship to practice civil engineering were passed

1973

Maria Flores de Otero is denied an engineering license due to her citizenship status

1976

US Supreme Court rules that Puerto Rico cannot discriminate against legal US residents based on citizenship status

KEY CASE PRECEDENTS

A **precedent** refers to a court decision that is considered authoritative for deciding cases involving identical or similar facts or legal issues.

In the case of *Examining Board v. Flores de Otero*, a key precedent used was the 1973 case of *In re Griffiths*. In this case, legal immigrant Griffiths sued the State Bar Examining Committee of Connecticut for prohibiting him from taking the bar exam. He was restricted from the exam because he didn’t meet the citizenship status requirement. Flores de Otero’s legal team cited the *In re Griffiths* case as a precedent, given the strong similarities between the two situations. By referencing this ruling, the court identified key parallels and ultimately decided in favor of Flores de Otero, granting her a license to practice civil engineering.

Another essential precedent used in *Examining Board v. Flores de Otero* was the 1976 case *Hampton v. Mow Sun Won*. Here, legal immigrant Mow Sun Wong filed a suit against the Civil Service Commission as he was denied a merit-based job he earned solely because of his citizenship status. The Supreme Court ruled in favor of Mow Sun Won and asserted that this act violated the Fifth Amendment and held the policy of denying merit-based jobs because of an individual's alienage unconstitutional. The Court emphasized that denying employment opportunities based on alienage, without a compelling justification, was unconstitutional. This ruling reinforced the argument in *Examining Board v. Flores de Otero* that citizenship-based professional restrictions unjustly discriminated against legal residents and violated fundamental constitutional protections.



“No law shall be enacted in [Puerto] Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.”

Section 2, par. 1, of the Organic Act of Puerto Rico



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Paulo Fantauzzi, Sebastian Fournier, Alejandro Gierbolini, Mia Rivera, Lara Yassin

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