

Examining Board v. Flores (1976)



Chief Justice Warren E. Burger presided over the Court during *Examining Board v. Flores*
Courtesy of the Library of Congress

CASE SUMMARY

A Puerto Rican statute required citizenship in order to grant civil engineering licenses. Maria Flores and Sergio Pérez were both legal residents in Puerto Rico who filed a suit against the Examining Board of Engineers because they believed the statute was unjust and unconstitutional because they complied with all the other requirements except for citizenship. The U.S. District Court for the District of Puerto Rico decided it had the power to take in the cases because it questioned the constitutionality of a Puerto Rican statute. As a result, a three-judge panel of one Circuit Court Judge and two district judges heard the case instead of a single district judge. The District Court determined the statute to be unconstitutional. Then Solicitor General Naveira, on behalf of the Examining Board, appealed to the Supreme Court. When both cases were to be presented in the Supreme Court, they were merged into one due to their similarities, and Maria Flores became the named plaintiff/appellee. The issues being presented in the Supreme Court gave rise to questions on the power of the District Court of the United States to hear cases regarding Puerto Rican law and on the role of the Constitution of the United States within Puerto Rican law itself.

MAIN ARGUMENTS

APPELLANTS:

EXAMINING BOARD

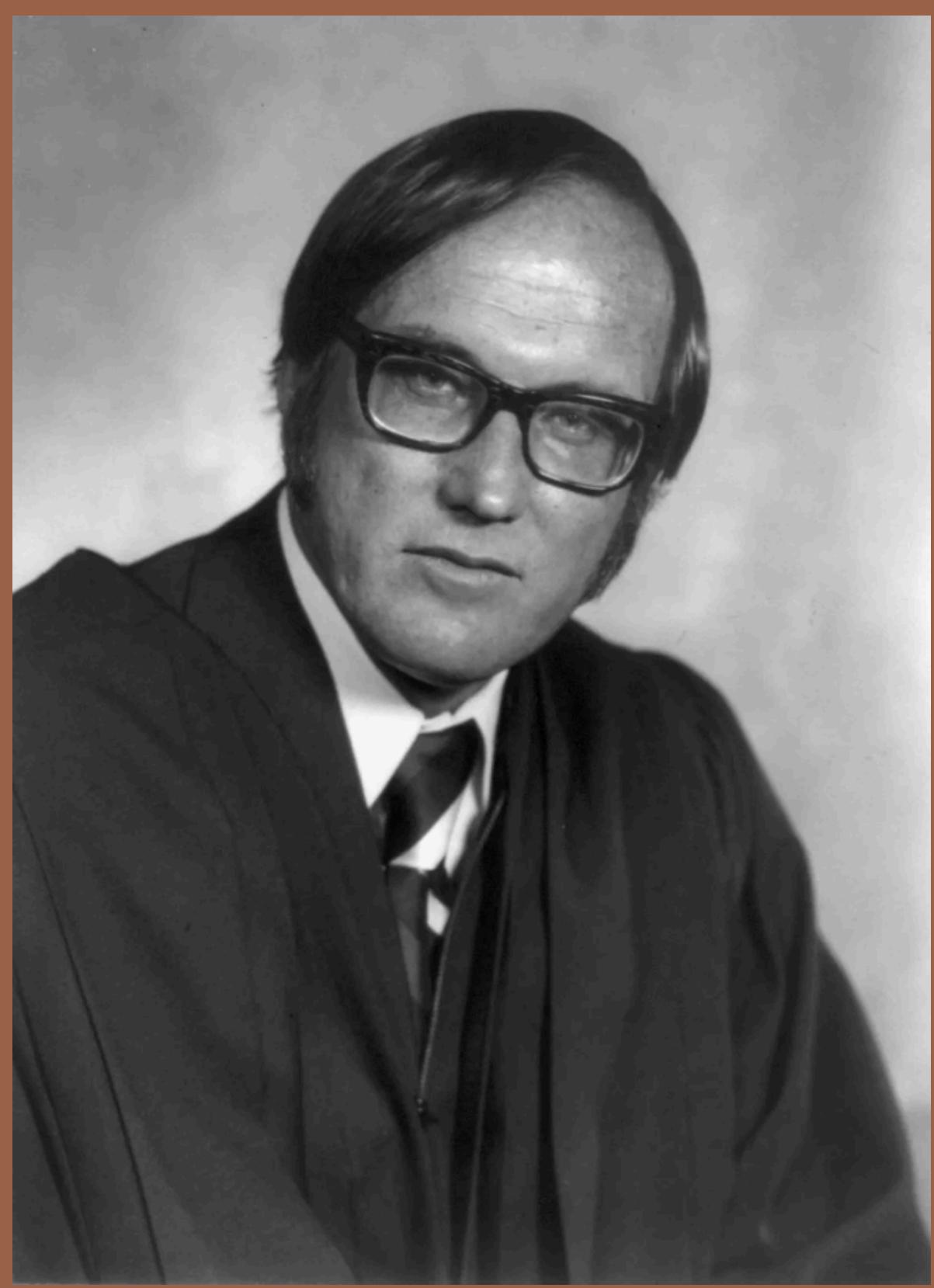
- Jurisdiction over the case: The examining board argued that if a threshold of \$10,000 was not met, the Commonwealth courts of Puerto Rico should have original jurisdiction.
- Appellants argued that:
 - Puerto Rico is neither a state nor a territory of the United States, so section 1983 did not apply to the island.
 - That allowing non-citizens to apply for a license would cause a flood of immigrants that would take over engineering jobs.
 - That Puerto Rico's geography requires specialized training that an immigrant does not have.
- Appellants questioned whether liability over poorly engineered projects could be enforced on Aliens.
- Finally, they established that a misuse of Section 1983 and Section 1343 is affecting every facet of governance in the island.

APPELLEES:

MARÍA FLORES & SERGIO PEREZ

- Candidates meet all the requirements except for United States citizenship
- Citizenship does not equate to the competency of civil engineers
- Puerto Rico's unique status does not exempt them from following the Constitution, specifically the Equal Protection clause and civil rights laws
- According to local experts, Puerto Rico needs more qualified scientists/engineers to improve local infrastructure
- It is clear that Congress intended to extend civil rights protection to territories, including the Commonwealth of Puerto Rico
- Immigration, unemployment, and income should not prevent someone from becoming a civil engineer.

DISSENTING OPINION



Justice William Rehnquist
Courtesy of the Library of Congress

MAJORITY DECISION

In a 7-1 ruling handed down on June 17, 1976, the Supreme Court affirmed the decision of the three-judge district court trial panel. Writing for the majority, Justice Blackmun confirmed

- The lower court had jurisdiction to enforce the provisions of 42 U.S.C. § 1983
- "Congress, by entering into the compact by which Puerto Rico assumed 'commonwealth' status, did not intend to leave the protection of federal rights exclusively to the local Puerto Rico courts and to repeal by implication the jurisdiction of the United States District Court in Puerto Rico to enforce § 1983"
- The District Court correctly determined that they did not need to abstain from the case and send it first to the Commonwealth Courts
- Federal constitutional claims should not be overruled by state questions that are unresolved
- Puerto Rico's statute requiring a person to be a U. S. citizen to obtain a civil engineering license deprives appellees and others of "rights, privileges, or immunities secured by the Constitution and laws."



Justice Harry Blackmun
Courtesy of the Library of Congress

Justice Rehnquist claimed that he wasn't as certain as the other judges on whether the Fifth and Fourteenth Amendments applied to Puerto Rico. He later listed a series of questions concerning this matter. In his final statement, Justice Rehnquist said that he dissented due to the same reasons he did in another case, *Sugarman v. Dougall* (1973).

CASE IMPACT

The Supreme Court's decision had an interesting impact in the nature of the relationship between Puerto Rico and the United States. The court affirmed that "While Puerto Rico occupies a unique relationship to the United States, it does not follow that Congress intended to relinquish enforcement of civil rights by restricting the jurisdiction of the United States District Court in Puerto Rico (*District of Columbia v. Carter*). Although the Court did not decide on whether the Fifth or Fourteenth Amendment applies to Puerto Rico, it asserted the rights of non-U.S. citizen legal residents in Puerto Rico under the "Constitution and laws."



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