
HOUSE JOINT MEMORIAL 4009

State of Washington

66th Legislature

2019 Regular Session

By Representatives Stokesbary, Caldier, MacEwen, Griffey, Barkis, Chambers, Smith, Gildon, Irwin, Shea, McCaslin, and Young

1 TO THE HONORABLE DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled,
7 respectfully represent and petition as follows:

8 WHEREAS, Since 1898 the United States has administered the
9 islands of Puerto Rico and its population as an unincorporated
10 territory of the United States; and

11 WHEREAS, Less than two years after acceding to sole and exclusive
12 sovereignty over the islands of Puerto Rico, in 1900 the United
13 States Congress adopted the law known as the Foraker Act, providing a
14 civilian government for the territory; and

15 WHEREAS, In the Insular Cases the United States Supreme Court
16 recognized that the United States Constitution applies within the
17 unincorporated territories of the United States, but the scope of
18 such application was less than the full guarantees of individual
19 liberty accorded to those residing in states or incorporated
20 territories of the Union; and

21 WHEREAS, In 1917 the United States Congress adopted the Jones
22 Shafroth Act, providing for greater self-government and granting
23 United States citizenship to all residents of Puerto Rico; and

1 WHEREAS, In the decision *Balzac v. People of Porto Rico* the
2 United States Supreme Court reiterated the holding of the Insular
3 Cases and ruled that the United States Constitution applied only in
4 part in the unincorporated territories, thus affirming the denial of
5 right to trial by jury to the petitioner in that case; and

6 WHEREAS, The United States Supreme Court in *Balzac* also found
7 that incorporation into the United States was a key step to statehood
8 for any territory, and the incorporation could only be accomplished
9 by express congressional declaration or by "implication so strong as
10 to exclude any other view;" and

11 WHEREAS, In 1950 Congress authorized the people of Puerto Rico to
12 conduct a constitutional convention for the purpose of developing a
13 constitution providing for more complete self-government by Puerto
14 Rico, requiring such constitution to provide both a republican form
15 of government and a bill of rights; and

16 WHEREAS, Requiring a republican form of government to each state
17 is a duty of the United States Congress under Article IV, section 4
18 of the United States Constitution; and

19 WHEREAS, Pursuant to the authority granted by the United States
20 Congress, the people of Puerto Rico met in convention and drafted a
21 constitution meeting the requirements of the 1950 act, and the United
22 States Congress approved the Constitution of the Commonwealth of
23 Puerto Rico in 1952; and

24 WHEREAS, The territorial histories of other states such as
25 Louisiana, Alaska, and Hawaii demonstrate a similar progress of self-
26 government, from early congressional acts establishing basic civil
27 government, to a more formally structured government conducted by the
28 people of the particular territory, to approval of an official state
29 constitution; and

30 WHEREAS, The Constitution of the Commonwealth of Puerto Rico was
31 approved before congressional approval of the proposed state
32 constitutions for Alaska and Hawaii, and the subsequent admission of
33 those states into the Union; and

34 WHEREAS, The granting of United States citizenship to the People
35 of Puerto Rico, requiring their self-governing constitution to
36 provide for a republican form of government and a bill of rights,
37 admitting residents of Puerto Rico into the armed forces of the
38 United States in which they have bravely and honorably defended the
39 United States as duty has required, integrating all aspects of the
40 economy of Puerto Rico into the greater economy of the United States,

1 and evolving the Puerto Rico laws and judicial system from their
2 Spanish origins into provisions and process consistent with the laws
3 and jurisprudence of the United States, creates the strong and clear
4 implication that Puerto Rico de facto has been incorporated into the
5 United States; and

6 WHEREAS, Citizens of the United States residing in Puerto Rico
7 currently are not entitled to the same treatment under certain
8 federal laws, such as the provision of Supplemental Security Income
9 from the Social Security Administration, as are other citizens of the
10 United States residing in the several states of the Union; and

11 WHEREAS, The denial of equal treatment of United States citizens
12 residing in Puerto Rico under certain federal laws is justified
13 solely on the basis that Puerto Rico is not incorporated into the
14 United States despite over one hundred years of assimilation into the
15 culture, economy, and political process of the United States; and

16 WHEREAS, The recent catastrophic impact to Puerto Rico of
17 Hurricanes Irma and Maria demonstrates compelling need for the
18 incorporation of Puerto Rico into the United States so that responses
19 to natural disasters in Puerto Rico are conducted on the same basis
20 as federal responses to natural disasters elsewhere in the United
21 States; and

22 WHEREAS, Integration into the United States, while necessary to
23 move towards statehood, will not automatically confer statehood on
24 Puerto Rico;

25 NOW, THEREFORE, Your Memorialists respectfully pray that the
26 Congress of the United States incorporate the territory and resident
27 United States citizens of Puerto Rico into the United States and to
28 apply all law and policy in Puerto Rico on the same basis as in a
29 state of the union without discrimination or inequality.

30 BE IT RESOLVED, That copies of this Memorial be immediately
31 transmitted to the Honorable Donald J. Trump, President of the United
32 States, the President of the United States Senate, the Speaker of the
33 House of Representatives, and each member of Congress from the State
34 of Washington.

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