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**HOUSE JOINT MEMORIAL 4009**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Stokesbary, Caldier, MacEwen, Griffey, Barkis, Chambers, Smith, Gildon, Irwin, Shea, McCaslin, Young, Walsh, Dolan, Appleton, Macri, and Lovick

Read first time 02/11/19. Referred to Committee on State Government & Tribal Relations.

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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