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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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The granting of United States citizenship to the People of Puerto Rico, requiring their self-governing constitution to provide for a republican form of government and a bill of rights, admitting residents of Puerto Rico into the armed forces of the United States in which they have bravely and honorably defended the United States as duty has required, integrating all aspects of the economy of Puerto Rico into the greater economy of the United States, and evolving the Puerto Rico laws and judicial system from their Spanish origins into provisions and process consistent with the laws and jurisprudence of the United States, creates the strong and clear implication that Puerto Rico de facto has been incorporated into the United States; and

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

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

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

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

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

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