

HM 147

2018

## 1 House Memorial

2 A memorial to the Congress of the United States,  
3 urging Congress to apply law and policy in Puerto Rico  
4 without discrimination or inequality and to establish  
5 a mechanism for Puerto Rico's orderly transition to  
6 statehood.

7  
8 WHEREAS, in 1922 the United States Supreme Court ruled in  
9 *Balzac v. Puerto Rico*, 258 U.S. 298 (1922), that "[t]he  
10 Constitution of the United States is in force in Puerto Rico, as  
11 it is wherever and whenever the sovereign power of that  
12 government is exerted," and

13 WHEREAS, the Supreme Court also ruled that "[t]he  
14 guaranties of certain fundamental personal rights declared in  
15 the Constitution, as, for instance, that no person could be  
16 deprived of life, liberty, or property without due process of  
17 law, had from the beginning full application in . . . Puerto  
18 Rico," and

19 WHEREAS, the *Balzac* ruling also carved out exceptions to  
20 application of the Unites States Constitution in Puerto Rico,  
21 such as the right to trial by jury, and

22 WHEREAS, other United States territories, such as  
23 Louisiana, Hawaii, and Alaska, were not subject to exceptions  
24 under earlier Supreme Court decisions during their territorial  
25 periods, and

HM 147

2018

26 WHEREAS, in recognition that the *Balzac* ruling was the  
27 first time in our nation's history incorporation into the union  
28 was denied to a territory whose residents were citizens of the  
29 United States, the court suggested that migration to the status  
30 of a state of the union as a remedy for denial of "fundamental  
31 rights" in Puerto Rico, and

32 WHEREAS, since 1922, the United States Congress has  
33 embraced the *Balzac* ruling imposing "non-incorporation" after  
34 conferral of United States citizenship in Puerto Rico as license  
35 to govern millions of our fellow citizens in Puerto Rico  
36 differently than United States citizens in other large and  
37 populous "incorporated" territories, and

38 WHEREAS, Congress has imposed federal income taxes on  
39 citizens in Puerto Rico for all income earned in the states or  
40 other United States territories, as well as income from sources  
41 in the international marketplace outside the United States  
42 domestic market and the only exemption from federal income tax  
43 is for locally sourced income, and

44 WHEREAS, the exemption from federal income tax for locally  
45 sourced income is offset by the high rate of local taxation on  
46 local income to raise revenues for the federally created  
47 "commonwealth" regime of local territorial government, and

48 WHEREAS, the "Commonwealth of Puerto Rico" is a form of  
49 territorial government that performs functions of internal civil  
50 administration as allowed by Congress that otherwise would have

HM 147

2018

51 to be performed by federal agencies, thus making the so-called  
52 exemption from federal income taxes on local income actually a  
53 scheme for federal taxation through the local government to pay  
54 for the cost of government functions that are a federal  
55 responsibility as long as territorial status continues, and

56 WHEREAS, as long as territorial status continues, United  
57 States citizens in Puerto Rico will not have the right of  
58 government by consent of the governed, because only United  
59 States citizens who also have citizenship and eligibility to  
60 vote in a state of the union have the right to vote in federal  
61 elections for representation in Congress and the Electoral  
62 College, and

63 WHEREAS, The denial of equal citizenship rights and equal  
64 economic opportunity in Puerto Rico is a result of Congressional  
65 abdication of its reserved power over territories under the  
66 United States Constitution to manage Puerto Rico's transition to  
67 statehood or nationhood based on self-determination by the  
68 people of the territory, and that failure by Congress has made  
69 what was a defensive rationalization in the *Balzac* ruling a  
70 self-fulfilling prophecy of mass relocation to this state and  
71 other states, and

72 WHEREAS, America's failed client state lying off the  
73 southern shores of this state is careening toward a humanitarian  
74 catastrophe and potential impact on this state could be  
75 proportionally catastrophic, NOW, THEREFORE,

76

77 Be It Resolved by the Legislature of the State of Florida:

78

79 That the United States Congress is urged to apply law and  
80 policy in Puerto Rico without discrimination or inequality that  
81 would be impermissible in a state of the union and to establish  
82 a mechanism for Puerto Rico's orderly transition to statehood  
83 based on democratic self-determination on terms approved by  
84 Congress and ratified by the residents of the commonwealth.

85

86 BE IT FURTHER RESOLVED that copies of this memorial be  
87 dispatched to the President of the United States, to the  
88 President of the United States Senate, to the Speaker of the  
89 United States House of Representatives, and to each member of  
the Florida delegation to the United States Congress.