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CS/HM 147

2018 Legislature

## 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  
5 incorporate the Commonwealth of Puerto Rico into the  
6 United States.

7  
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  
12 exclusive sovereignty over the islands of Puerto Rico, in 1900  
13 the United States Congress adopted the law known as the Foraker  
14 Act, providing a civilian government for the territory, and

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

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

25 WHEREAS, in the decision *Balzac v. People of Porto Rico* the

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26 United States Supreme Court reiterated the holding of the  
27 *Insular Cases* and ruled that the United States Constitution  
28 applied only in part in the unincorporated territories, thus  
29 affirming the denial of right to trial by jury to the petitioner  
30 in that case, and

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

36 WHEREAS, in 1950 Congress authorized the people of Puerto  
37 Rico to conduct a constitutional convention for the purpose of  
38 developing a constitution providing for more complete self-  
39 government by Puerto Rico, requiring such constitution to  
40 provide both a republican form of government and a bill of  
41 rights, and

42 WHEREAS, requiring a republican form of government to each  
43 state is a duty of the United States Congress under Article IV,  
44 section 4, of the United States Constitution, and

45 WHEREAS, pursuant to the authority granted by the United  
46 States Congress, the people of Puerto Rico met in convention and  
47 drafted a constitution meeting the requirements of the 1950 act,  
48 and the United States Congress approved the Constitution of the  
49 Commonwealth of Puerto Rico in 1952, and

50 WHEREAS, the territorial histories of other states such as

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51 Louisiana, Alaska, and Hawaii, demonstrate a similar progress of  
52 self-government, from early congressional acts establishing  
53 basic civil government, to a more formally structured government  
54 conducted by the people of the particular territory, to approval  
55 of an official state constitution, and

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

60 WHEREAS, the granting of United States citizenship to the  
61 people of Puerto Rico, requiring their self-governing  
62 constitution to provide for a republican form of government and  
63 a bill of rights, admitting residents of Puerto Rico into the  
64 Armed Forces of the United States in which they have bravely and  
65 honorably defended the United States as duty has required,  
66 integrating all aspects of the economy of Puerto Rico into the  
67 greater economy of the United States, and evolving the Puerto  
68 Rico laws and judicial system from their Spanish origins into  
69 provisions and process consistent with the laws and  
70 jurisprudence of the United States, creates the strong and clear  
71 implication that Puerto Rico *de facto* has been incorporated into  
72 the United States, and

73 WHEREAS, citizens of the United States residing in Puerto  
74 Rico currently are not entitled to the same treatment under  
75 certain federal laws, such as the provision of Supplemental

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76 Security Income from the Social Security Administration, as are  
 77 other citizens of the United States residing in the several  
 78 states of the Union, and

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

85 WHEREAS, the recent catastrophic impacts to Puerto Rico of  
 86 Hurricanes Irma and Maria, and the federal response to the  
 87 resulting humanitarian crisis, demonstrates compelling need for  
 88 the incorporation of Puerto Rico into the United States so that  
 89 responses to natural disasters in Puerto Rico have the same  
 90 priority and are conducted on the same basis as federal  
 91 responses to natural disasters elsewhere in the United States,  
 92 and

93 WHEREAS, integration into the United States, while  
 94 necessary to move towards statehood, will not automatically  
 95 confer statehood on Puerto Rico, NOW, THEREFORE,

96  
 97 Be It Resolved by the Legislature of the State of Florida:

98  
 99 That the United States Congress is urged to incorporate the  
 100 territory and resident United States citizens of Puerto Rico

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101 into the United States and to apply all law and policy in Puerto  
102 Rico on the same basis as in a state of the union without  
103 discrimination or inequality.

104 BE IT FURTHER RESOLVED that copies of this memorial be  
105 dispatched to the President of the United States, to the  
106 President of the United States Senate, to the Speaker of the  
107 United States House of Representatives, and to each member of  
108 the Florida delegation to the United States Congress.