

By Senator Rodriguez

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Senate Memorial

A memorial to the Congress of the United States,
urging Congress to apply law and policy in Puerto Rico
without discrimination or inequality and to
incorporate the Commonwealth of Puerto Rico into the
United States.

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 enacted 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 enacted 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

37-01203-18

2018940__

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
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, and
55 eventually approval 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

37-01203-18

2018940__

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
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, demonstrate a compelling need for

37-01203-18

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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
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 the Secretary of State dispatch
105 copies of this memorial to the President of the United States,
106 the President of the United States Senate, the Speaker of the
107 United States House of Representatives, and each member of the
108 Florida delegation to the United States Congress.