

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHOR/ COMMITTEE REPORT FILED	NOTES
56-36 (COR)	Tina Rose Muña Barnes Clynton E. Ridgell Jose "Pedo" Terlaje Joe S. San Agustin Frank F. Blas Jr. Amanda L. Shelton Mary Camacho Torres	Relative to expressing the utmost support of the people of Guam for House Resolution 279, acknowledging that the United States Supreme Court's decisions in the <i>Insular Cases</i> and the "Territorial Incorporation Doctrine" are contrary to the text and history of the United States Constitution and rest on racial views and stereotypes from the era of <i>Plessy v. Ferguson</i> that have long been rejected and are contrary to our nation's most basic constitutional and democratic principles, and should also be rejected as having no place in United States constitutional law.	3/31/21 5:06 p.m.		5/28/21	4/1/2021 4:37 p.m.	Author	5/5/21 8:00 a.m.	5/10/21 5:19 p.m. As amended by the Author.	5/24/21 9:55 a.m. Supplement Document to the Author's Report on Resolution No. 56-36 (COR) as amended by the author.

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Resolution No. 56-36 (COR)

As amended by the Author; and further amended on the Floor.

Introduced by:

Tina Rose Muña Barnes
Clynton E. Ridgell
Jose "Pedro" Terlaje
Joe S. San Agustin
Frank F. Blas Jr.
Amanda L. Shelton
Mary Camacho Torres
V. Anthony Ada
Joanne Brown
Christopher M. Dueñas
Telen Cruz Nelson
Sabina Flores Perez
Telo T. Taitague
Jose "Pedro" Terlaje
Therese M. Terlaje

Relative to expressing the utmost support of the people of Guam for House Resolution 279, acknowledging that the United States Supreme Court's decisions in the *Insular Cases* and the "Territorial Incorporation Doctrine" are contrary to the text and history of the United States Constitution and rest on racial views and stereotypes from the era of *Plessy v. Ferguson* that have long been rejected and are contrary to our nation's most basic constitutional and democratic principles, and should also be rejected as having no place in United States constitutional law.

1 **BE IT RESOLVED BY I MINA'TRENTAI SAIS NA LIHESLATURAN**
2 **GUÅHAN:**

3 **WHEREAS**, Guam is an unincorporated United States territory that was
4 acquired in the Treaty of Paris, which ended the Spanish-American War; and

5 **WHEREAS**, the native inhabitants of Guam, the *CHamoru* people, have been
6 subject to colonization without consent by Spain, Japan, and the United States (U.S.);
7 and

8 **WHEREAS**, while the U.S. has provided tremendous support to Guam in its
9 efforts to rebuild after World War II, and more recently in Guam's response to COVID-
10 19, the fundamental rights of Guamanians have been squandered by a series of non-
11 democratic policies imposed by the U.S.; and

12 **WHEREAS**, while Guam is home to some of the most patriotic Americans who
13 come from generations of service members and has some of the highest rates of
14 enlistments in the U.S. Armed Forces, the sons and daughters of Guam who fight
15 alongside their fellow American soldiers have been systematically denied their rights to
16 liberty and freedom as a result of early twentieth (20th) century U.S. Supreme Court
17 decisions known as the *Insular Cases*; and

18 **WHEREAS**, the *Insular Cases* are made up of six (6) Supreme Court decisions
19 (*De Lima v. Bidwell*, 182 U.S. 1 (1901); *Goetze v. U.S.*, 182 U.S. 221 (1901); *Dooley v.*
20 *U.S.*, 182 U.S. 51 (1901); *Armstrong v. U.S.*, 182 U.S. 243 (1901); *Downes v. Bidwell*,
21 182 U.S. 244 (1901); and *Huus v. New York & Porto Rico Steamship Co.*, 182 U.S. 392
22 (1901), which ultimately were based on the strong undercurrents of racial bias that
23 permeated U.S. society; and

24 **WHEREAS**, while the U.S. prides itself as being a nation that broke away from
25 the unjust colonization of the British, whose Founding Fathers crafted a system of
26 governance that promotes equality, freedoms, and a series of fundamental human rights,

1 the *Insular Cases* became the law of the land as it relates to the territories and outlined
2 that racial superiority of the controlling political entity justified their “manifest destiny”
3 policies; and

4 **WHEREAS**, in *Downes v. Bidwell*, Justice Henry Brown stated that, “If those
5 possessions are inhabited by alien races, differing from us in religion, customs...and
6 modes of thought, the administration of government and justice according to Anglo-
7 Saxon principles may for a time be impossible” *Downes*, 182 U.S. at 287; and

8 **WHEREAS**, the U.S. Navy Report on Guam 1899-1950, describes the people of
9 Guam as savages who needed to be transformed in the mind and it was the responsibility
10 of the U.S. Navy “to guide them from disease-ridden medieval peonage to the dignity
11 and demeanor of a healthy, self-reliant citizenry in the modern world”; and

12 **WHEREAS**, as a result of *Downes v. Bidwell*, the U.S. Navy imposed its own
13 system of naval governance, prohibiting the local population from manifesting its own
14 destiny, and punishing school children who spoke the *CHamoru* language; and

15 **WHEREAS**, approximately twenty thousand (20,000) *CHamorus*, whom the
16 U.S. Navy had called savages, and whom the *Insular Cases* deemed to be unfit to be
17 Americans, were subjected to death, rape, severe personal injury, forced labor, forced
18 marching, or internment by Japan as a result of their proud allegiance to the United
19 States during World War II; and

20 **WHEREAS**, the same *CHamoru* people called savages by the U.S. Navy, who
21 were also deemed unfit to be called Americans, had exhibited the ancient *CHamoru*
22 spirit of *Inafa’maolek* by opening up their island to the COVID-19 ridden USS
23 Theodore Roosevelt, which ultimately saved the lives of thousands of U.S. Navy Sailors
24 in 2020; and

25 **WHEREAS**, the U.S. Navy, under the leadership of Rear Admiral John Menoni,
26 Commander of Joint Region Marianas, and U.S. Pacific Fleet Commander Admiral

1 John Aquilino, have presented Governor Lourdes Leon Guerrero with the “Navy
2 Distinguished Public Service Award” for Guam’s role in ensuring the recovery of
3 thousands of U. S. Navy Sailors, the territorial incorporation doctrine established by the
4 *Insular Cases* still perpetuates second class treatment of Americans living in the
5 territories by denying them citizenship, voting rights, and equality in programs for
6 federal benefits; and

7 **WHEREAS**, on January 29, 2021, the United Nations made it clear through a
8 Joint Allegation Letter to the U.S. government that there are still ongoing human rights
9 violations suffered by the indigenous *CHamoru* people of Guam at the hands of the U.S.
10 government and military; and

11 **WHEREAS**, in the recent U.S. federal court case of *Davis v. Guam*, 932 F.3d
12 822 (9th Cir. 2019), the courts have reaffirmed that while rights provided to Americans
13 under the Constitution do not apply to the native inhabitants of Guam, they do apply to
14 a certain class which the courts deem favorable to the U.S.; and

15 **WHEREAS**, another example of the disparity resulting from the *Insular Cases* is
16 the unequal application of the Supplemental Security Income (SSI) program.
17 Authorized by Title XVI of the *Social Security Act*, the SSI program is a federal income
18 supplement program which provides cash assistance and health care coverage to state
19 residents of limited income and resources to those who are blind, disabled, or sixty-five
20 (65) years of age or older; and

21 **WHEREAS**, the SSI Program was designed to replace prior federal-state
22 systems of public assistance, such as the Old-Age Assistance (OAA) and Aid to the
23 Blind (AB), which was established in 1935 through the original *Social Security Act*, as
24 well as the Aid to the Permanently and Totally Disabled (APTD), which was established
25 by the Social Security Amendments of 1950; and

1 **WHEREAS**, these programs were subject to federal matching funds from states,
2 resulting in varying payment levels, eligibility requirements, as well as burdensome
3 provisions such as liens against property and mandatory relative support. Despite the
4 U.S. Congress recognizing these issues, which led to the creation of the SSI, these adult
5 assistance programs remain in effect for Guam, Puerto Rico, and the U.S. Virgin
6 Islands; and

7 **WHEREAS**, unlike the prior federal-state programs, the SSI Program provided
8 a uniform federal income floor, with minimal barriers to eligibility. The SSI benefit
9 amounts to a monthly maximum of Seven Hundred Ninety-four Dollars (\$794) for an
10 individual and One Thousand One Hundred Ninety-one Dollars (\$1,191) for couples
11 which would provide more financial stability to potentially twenty-four thousand
12 (24,000) American citizens residing in Guam; and

13 **WHEREAS**, despite the presence of qualifying U.S. citizens residing in Guam,
14 Puerto Rico, and the U.S. Virgin Islands, they are excluded from SSI coverage, resulting
15 in the continuation of federal-territorial matching based on the old program models; and

16 **WHEREAS**, House Resolution 279, a bipartisan resolution introduced by U.S.
17 House of Representatives Natural Resources Committee Chair, Raúl M. Grijalva (D-
18 Arizona), Delegate Gregorio Sablan (D-CNMI), Delegate Stacey Plaskett (D-U.S.
19 Virgin Islands), Delegate Michael San Nicolas (D-Guam), Resident Commissioner
20 Jenniffer González-Colon (R-Puerto Rico), Representative Nydia Velázquez (D-New
21 York), Representative Jesús “Chuy” García (D-Illinois), and Representative Ritchie
22 Torres (D-New York), is the first step to rectify the injustices imposed on the people of
23 Guam by the U.S.; and

24 **WHEREAS**, *I Liheslaturan Guåhan* urges the U.S. Congress to further rectify
25 the injustices imposed on Americans in the territories by engaging in a binding political

1 status reconciliation process that is tailored to each territory, with the residents of each
2 territory being a party to these discussions; now therefore, be it

3 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on
4 behalf of the people of Guam, respectfully urge the U.S. Congress to expeditiously pass
5 H.R. 279; and does further affirm the need for U.S. Congress to:

6 (1) recognize that America's constitutional and democratic principles
7 apply throughout the U.S., including both states and territories;

8 (2) acknowledge that the *Insular Cases* are contrary to the text and
9 history of the U.S. Constitution;

10 (3) acknowledge that the *Insular Cases* are relics of the racial views of
11 an earlier era that have no place in our nation today;

12 (4) reject the *Insular Cases* and their application to all present and
13 future cases and controversies involving the application of the U.S. Constitution
14 in the U.S. territories;

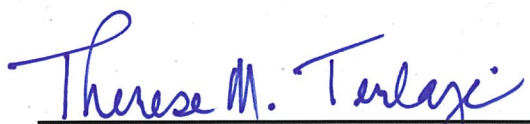
15 (5) recognize that the provisions of the SSI statute that discriminate on
16 the basis of status as a resident of Guam are in violation of the U.S. Constitution's
17 guarantees of equal protection; and

18 (6) show the people of Guam the same spirit of *Inafa'maolek* that its
19 people have shown to the U.S.; and be it further


20 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
21 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
22 Michael F.Q. San Nicolas, Guam Delegate to the United States House of
23 Representatives; to the Honorable Nancy Pelosi, Speaker of the United States House of
24 Representatives; to the Honorable Patrick Leahy, President Pro Tempore of the United
25 States Senate; to the Honorable Raúl M. Grijalva, Chair of the United States House of
26 Representatives Natural Resources Committee; to the Honorable Gregorio Sablan,

1 CNMI Delegate to the United States House of Representatives; to the Honorable Stacey
2 Plaskett, Virgin Islands Delegate to the United States House of Representatives; to the
3 Honorable Jenniffer González-Colon, Resident Commissioner of Puerto Rico, to the
4 United States House of Representatives; to the Honorable Nydia Velázquez,
5 Representative to the United States House of Representatives; to the Honorable Jesús
6 “Chuy” García, Representative to the United States House of Representatives; to the
7 Honorable Ritchie Torres, Representative to the United States House of
8 Representatives; to the Honorable Joseph R. Biden, Jr., President of the United States
9 of America; to United States Attorney General, Merrick B. Garland; to Chief Judge
10 Frances Tydingco-Gatewood of the U.S. District Court of Guam; to Chief Justice John
11 G. Roberts, Jr., Chief Justice of the United States Supreme Court; and to the Honorable
12 Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE 28TH DAY OF MAY 2021.



THERESE M. TERLAJE
Speaker



TINA ROSE MUÑA BARNES
Acting Legislative Secretary