

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

Resolution No. 56-36 (COR) As amended by the Author; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building May 28, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada		√				
Senator Frank Blas Jr.	√					
Senator Joanne Brown		√				
Senator Christopher M. Dueñas		√				
Senator James C. Moylan		√				
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson		I √				
Senator Sabina Flores Perez	√	II				
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague		√				
Senator Jose "Pedo" Terlaje	√					
Speaker Therese M. Terlaje		√				
Senator Mary Camacho Torres	√					

TOTAL

8

7

Aye

Nay

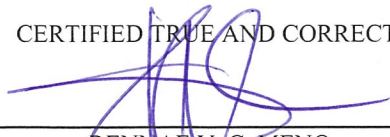
Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

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

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

4 **WHEREAS**, while the U.S. has provided tremendous support to Guam in its
5 efforts to rebuild after World War II, and more recently in Guam’s response to COVID-
6 19, the fundamental rights of Guamanians have been squandered by a series of non-
7 democratic policies imposed by the U.S.; and

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

14 **WHEREAS**, the *Insular Cases* are made up of six (6) Supreme Court decisions
15 (*De Lima v. Bidwell*, 182 U.S. 1 (1901); *Goetze v. U.S.*, 182 U.S. 221 (1901); *Dooley v.*
16 *U.S.*, 182 U.S. 51 (1901); *Armstrong v. U.S.*, 182 U.S. 243 (1901); *Downes v. Bidwell*,
17 182 U.S. 244 (1901); and *Huus v. New York & Porto Rico Steamship Co.*, 182 U.S. 392
18 (1901), which ultimately were based on the strong undercurrents of racial bias that
19 permeated U.S. society; and

20 **WHEREAS**, while the U.S. prides itself as being a nation that broke away from
21 the unjust colonization of the British, whose Founding Fathers crafted a system of
22 governance that promotes equality, freedoms, and a series of fundamental human rights,
23 the *Insular Cases* became the law of the land as it relates to the territories and outlined
24 that racial superiority of the controlling political entity justified their “manifest destiny”
25 policies; and

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

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

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

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

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

22 **WHEREAS**, the U.S. Navy, under the leadership of Rear Admiral John Menoni,
23 Commander of Joint Region Marianas, and U.S. Pacific Fleet Commander Admiral
24 John Aquilino, have presented Governor Lourdes Leon Guerrero with the “Navy
25 Distinguished Public Service Award” for Guam’s role in ensuring the recovery of
26 thousands of U. S. Navy Sailors, the territorial incorporation doctrine established by the

1 *Insular Cases* still perpetuates second class treatment of Americans living in the
2 territories by denying them citizenship, voting rights, and equality in programs for
3 federal benefits; and

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

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

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

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

23 **WHEREAS**, these programs were subject to federal matching funds from states,
24 resulting in varying payment levels, eligibility requirements, as well as burdensome
25 provisions such as liens against property and mandatory relative support. Despite the
26 U.S. Congress recognizing these issues, which led to the creation of the SSI, these adult

1 assistance programs remain in effect for Guam, Puerto Rico, and the U.S. Virgin
2 Islands; and

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

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

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

20 **WHEREAS**, *I Liheslaturan Guåhan* urges the U.S. Congress to further rectify
21 the injustices imposed on Americans in the territories by engaging in a binding political
22 status reconciliation process that is tailored to each territory, with the residents of each
23 territory being a party to these discussions; now therefore, be it

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

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

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

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

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

10 (5) recognize that the provisions of the SSI statute that discriminate on
11 the basis of status as a resident of Guam are in violation of the U.S. Constitution’s
12 guarantees of equal protection; and

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

15 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
16 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
17 Michael F.Q. San Nicolas, Guam Delegate to the United States House of
18 Representatives; to the Honorable Nancy Pelosi, Speaker of the United States House of
19 Representatives; to the Honorable Patrick Leahy, President Pro Tempore of the United
20 States Senate; to the Honorable Raúl M. Grijalva, Chair of the United States House of
21 Representatives Natural Resources Committee; to the Honorable Gregorio Sablan,
22 CNMI Delegate to the United States House of Representatives; to the Honorable Stacey
23 Plaskett, Virgin Islands Delegate to the United States House of Representatives; to the
24 Honorable Jenniffer González-Colon, Resident Commissioner of Puerto Rico, to the
25 United States House of Representatives; to the Honorable Nydia Velázquez,
26 Representative to the United States House of Representatives; to the Honorable Jesús

1 “Chuy” García, Representative to the United States House of Representatives; to the
2 Honorable Ritchie Torres, Representative to the United States House of
3 Representatives; to the Honorable Joseph R. Biden, Jr., President of the United States
4 of America; to United States Attorney General, Merrick B. Garland; to Chief Judge
5 Frances Tydingco-Gatewood of the U.S. District Court of Guam; to Chief Justice John
6 G. Roberts, Jr., Chief Justice of the United States Supreme Court; and to the Honorable
7 Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

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

THERESE M. TERLAJE
Speaker

AMANDA L. SHELTON
Legislative Secretary