

*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 COMMITTEE REPORT FILED	NOTES
56-36 (COR)	Tina Rose Muña Barnes Clynton E. Ridgell Jose "Pedro" Terfaje James C. Moylan Frank Blas Jr.	RELATIVE TO EXPRESSING THE UTMOST SUPPORT OF 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, REST ON RACIAL VIEWS AND STEREOTYPES FROM THE ERA OF <i>PLESSY V. FERGUSON</i> THAT HAVE LONG BEEN REJECTED, ARE CONTRARY TO OUR NATION'S MOST BASIC CONSTITUTIONAL AND DEMOCRATIC PRINCIPLES, AND SHOULD BE REJECTED AS HAVING NO PLACE IN UNITED STATES CONSTITUTIONAL LAW	3/31/21 5:06 p.m.							

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

**Resolution No. 56-36 (COR)**


Introduced by:


Tina Rose Muña Barnes 

Clynton E. Ridgell 

Jose "PEDO" Terlaje 

Joe S. San Agustin 

James Camacho Moylan 

Frank F. Blas Jr. 

1 **RELATIVE TO EXPRESSING THE UTMOST SUPPORT OF HOUSE**  
2 **RESOLUTION 279, ACKNOWLEDGING THAT THE UNITED STATES**  
3 **SUPREME COURT'S DECISIONS IN THE INSULAR CASES AND THE**  
4 **"TERRITORIAL INCORPORATION DOCTRINE" ARE CONTRARY TO**  
5 **THE TEXT AND HISTORY OF THE UNITED STATES CONSTITUTION,**  
6 **REST ON RACIAL VIEWS AND STEREOTYPES FROM THE ERA OF**  
7 ***PLESSY V. FERGUSON* THAT HAVE LONG BEEN REJECTED, ARE**  
8 **CONTRARY TO OUR NATION'S MOST BASIC CONSTITUTIONAL AND**  
9 **DEMOCRATIC PRINCIPLES, AND SHOULD BE REJECTED AS HAVING**  
10 **NO PLACE IN UNITED STATES CONSTITUTIONAL LAW.**

11  
12 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***  
13 ***MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN:***

1           **WHEREAS**, Guam is a United States Territory that was acquired by the  
2 United States by the Treaty of Paris which as a result ended the Spanish American  
3 War; and

4           **WHEREAS**, the native inhabitants of Guam, the CHamoru People, have been  
5 subject to colonization without consent by the Spanish, the Japanese Imperial Army,  
6 and the United States of America; and

7           **WHEREAS**, while the United States has provided tremendous support to  
8 Guam in our efforts to rebuild after World War II and more recently in our response  
9 to COVID-19, the fundamental rights of Guamanians have been squandered by a  
10 series of non-democratic policies imposed by the United States; and

11           **WHEREAS**, while Guam is home to some of the most patriotic Americans  
12 who come from generations of service members and has some of the highest rate of  
13 enlistments into the United States Armed Forces, the *Sons and Daughters* of Guam  
14 who fight alongside their fellow American soldiers have been systematically denied  
15 their rights to liberty and freedom which they are fighting for as a result of early 20<sup>th</sup>  
16 century Supreme Court Decisions known as the *Insular Cases*; and

17           **WHEREAS**, the *Insular Cases* are made up of six Supreme Court decisions  
18 (*De Lima v. Bidwell*, *Goetze v. United States*, *Dooley v. United States*, *Armstrong v.*  
19 *United States*, *Downes v. Bidwell & Huus v. New York*), which ultimately was based  
20 on the strong undercurrents of racial bias that permeated U.S. society at the time;  
21 and

22           **WHEREAS**, while the United States prides itself as a nation that broke away  
23 from the unjust colonization of the British, and the Founding Fathers had crafted a  
24 system of Governance that promotes equality, freedoms, and a series of fundamental  
25 human rights, the *Insular Cases*, which became the law of the land as it relates to the  
26 territories outlined that the racial superiority of the controlling political entity  
27 justified their “manifest destiny” policies; and

1           **WHEREAS**, specifically in the judgement of *Downes v. Bidwell*, Justice  
2 Henry Billings Brown, stated that the territories were “inhabited by alien races,  
3 differing from us in religion, customs,...and modes of thought”, thus making the  
4 People of Guam impossible to Govern “according to Anglo-Saxon principles”; and

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

10          **WHEREAS**, as a result of the mindset imposed by *Downes v. Bidwell*, the  
11 U.S. Navy had imposed its own system of Naval Governance, prohibiting the local  
12 population of manifesting our own destiny, and even punishing local school children  
13 who spoke our native Chamorro language; and

14          **WHEREAS**, approximately twenty thousand (20,000) Chamorros, the same  
15 Chamorro People whom the U.S. Navy had called savages, and the *Insular Cases*  
16 deemed to be unfit to be Americans, were subjected to death, rape, severe personal  
17 injury, personal injury, forced labor, forced march, or internment by the Imperial  
18 Japanese military as a result of their proud allegiance to the United States; and

19          **WHEREAS**, the same Chamorro People whom the U.S. Navy had called  
20 savages, and the *Insular Cases* deemed to be unfit to be called Americans, had  
21 embodied the Ancient Chamorro Spirit of *Inafa'maolek* by opening up our island to  
22 the COVID-19 ridden USS Theodore Roosevelt, ultimately saving the lives of  
23 thousands of U.S. Navy Sailors in 2020; and

24          **WHEREAS**, while the U.S. Navy, under the leadership of Rear Admiral John  
25 Menoni, Commander of Joint Region Marianas, and U.S. Pacific Fleet Commander  
26 Admiral John Aquilino have presented Governor Lou Leon Guerrero with the Navy  
27 Distinguished Public Service Award for Guam’s role in ensuring the recovery of

1 thousands of United States Navy Sailors, the territorial incorporation doctrine  
2 established by the *Insular Cases* still perpetuates the second class treatment of  
3 Americans living in the territories by denying us citizenship, voting rights, and  
4 denial of equality in Federal benefits programs; and

5 **WHEREAS**, even the United Nations have made clear through a Joint  
6 Allegation Letter to the United States Government that there are still ongoing human  
7 rights violations suffered by the indigenous Chamorro People of Guam at the hands  
8 of the United States government and military; and

9 **WHEREAS**, in the recent United States Federal Court case of *Davis v. Guam*,  
10 the Courts have again reaffirmed that while rights provided to Americans under the  
11 Constitution do not apply to the native inhabitants of Guam, they do apply to a  
12 certain class which the Courts deem favorable to the United States; and

13 **WHEREAS**, H.R. 279, as introduced by United States House of  
14 Representatives Natural Resources Committee Chair Raúl M. Grijalva (D-Ariz.)  
15 introduced a bipartisan resolution with Rep. Gregorio Sablan (D-CNMI), Rep.  
16 Stacey Plaskett (D-USVI), Rep. Michael San Nicolas (D-Guam), Rep. Jenniffer  
17 González-Colon (R-P.R.), Rep. Nydia Velázquez (D-N.Y.), Rep. Jesús “Chuy”  
18 García (D-Ill.) and Rep. Ritchie Torres (D-N.Y.) is the first step to rectify the  
19 injustices imposed on the People of Guam by the United States and therefore be it

20 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Sais Na*  
21 *Lihselaturan Guåhan* does hereby, on behalf of *I Lihselaturan Guåhan* and the  
22 People of Guam, respectfully urge the United States Congress expeditiously pass  
23 H.R. 279; and be it further

24 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Sais Na*  
25 *Lihselaturan Guåhan* does hereby, on behalf of *I Lihselaturan Guåhan* and the  
26 people of Guam, affirm the need for Congress to

- 1 (1) recognize that America’s constitutional and democratic principles apply  
2 throughout the United States, including both States and territories;  
3 (2) acknowledge that the Insular Cases are contrary to the text and history of  
4 the Constitution;  
5 (3) acknowledge that the Insular Cases are relics of the racial views of an  
6 earlier era that have no place in our Nation today; and  
7 (4) reject the Insular Cases and their application to all present and future cases  
8 and controversies involving the application of the Constitution in United  
9 States territories,  
10 (5) show the People of Guam the same spirit of *Inafa’maolek* our People have  
11 shown to the United States, and be it further

12 **RESOLVED**, that the Speaker and the Chairperson of the Committee on  
13 Rules certify, and the Legislative Secretary attest to, the adoption hereof, and that  
14 copies of the same be thereafter transmitted to Congressman Michael F.Q. San  
15 Nicolas, Guam’s Delegate to Congress; Speaker Nancy Pelosi, Speaker of the United  
16 States House of Representatives; Senator Patrick Leahy, President Pro Tempore of  
17 the United States Senate; Natural Resources Committee Chair Raúl M. Grijalva;  
18 Representative Gregorio Sablan; Representative Stacey Plaskett; Representative  
19 Jenniffer González-Colon; Representative Nydia Velázquez; Rep. Jesús “Chuy”  
20 García; Representative Ritchie Torres (D-N.Y.); President Joseph R. Biden, Jr.,  
21 President of the United States of America; Chief Justice John G. Roberts, Jr., Chief  
22 Justice of the United States Supreme Court and to the Honorable Lourdes A. Leon  
23 Guerrero, *I Maga’hågan Guåhan*.

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

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**THERESE M. TERLAJE**  
Speaker

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**TINA ROSE MUÑA BARNES**  
Chairperson, Committee on Rules

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**AMANDA L. SHELTON**  
Legislative Secretary