

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

FIELD HEARING BEFORE THE COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTH CONGRESS FIRST SESSION ON

H.R. 856—United States-Puerto Rico's Political Status Act

MAYAGUEZ, PUERTO RICO, APRIL 21, 1997

Serial No. 105-27

Printed for the use of the Committee on Resources



U.S. GOVERNMENT PRINTING OFFICE

43-229 ⚡

WASHINGTON : 1997

COMMITTEE ON RESOURCES

DON YOUNG, Alaska, *Chairman*

W.J. (BILLY) TAUZIN, Louisiana	GEORGE MILLER, California
JAMES V. HANSEN, Utah	EDWARD J. MARKEY, Massachusetts
JIM SEXTON, New Jersey	NICK J. RAHALL II, West Virginia
ELTON GALLEGLY, California	BRUCE F. VENTO, Minnesota
JOHN J. DUNCAN, Jr., Tennessee	DALE E. KILDEE, Michigan
JOEL HEFLEY, Colorado	PETER A. DeFAZIO, Oregon
JOHN T. DOOLITTLE, California	ENI F.H. FALEOMAVAEGA, American Samoa
WAYNE T. GILCHREST, Maryland	NEIL ABERCROMBIE, Hawaii
KEN CALVERT, California	SOLOMON P. ORTIZ, Texas
RICHARD W. POMBO, California	OWEN B. PICKETT, Virginia
BARBARA CUBIN, Wyoming	FRANK PALLONE, Jr., New Jersey
HELEN CHENOWETH, Idaho	CALVIN M. DOOLEY, California
LINDA SMITH, Washington	CARLOS A. ROMERO-BARCELO, Puerto Rico
GEORGE P. RADANOVICH, California	MAURICE D. HINCHEY, New York
WALTER B. JONES, Jr., North Carolina	ROBERT A. UNDERWOOD, Guam
WILLIAM M. (MAC) THORNBERRY, Texas	SAM FARR, California
JOHN SHADEGG, Arizona	PATRICK J. KENNEDY, Rhode Island
JOHN E. ENSIGN, Nevada	ADAM SMITH, Washington
ROBERT F. SMITH, Oregon	WILLIAM D. DELAHUNT, Massachusetts
CHRIS CANNON, Utah	CHRIS JOHN, Louisiana
KEVIN BRADY, Texas	DONNA CHRISTIAN-GREEN, Virgin Islands
JOHN PETERSON, Pennsylvania	RON KIND, Wisconsin
RICK HILL, Montana	LLOYD DOGGETT, Texas
BOB SCHAFER, Colorado	
JIM GIBBONS, Nevada	
MICHAEL D. CRAPO, Idaho	

LLOYD A. JONES, *Chief of Staff*

ELIZABETH MEGGINSON, *Chief Counsel*

CHRISTINE KENNEDY, *Chief Clerk/Administrator*

JOHN LAWRENCE, *Democratic Staff Director*

T.E. MANASE MANSUR, *Republican Professional Staff*

MARIE FABRIZIO-HOWARD, *Democratic Professional Staff*

CONTENTS

Hearing held April 21, 1997	Page 1
Statement of Members:	
Miller, Hon. George, a Representative in Congress from the State of California	6
Romero-Barceló, Hon. Carlos, a Resident Commissioner in Congress from the Commonwealth of Puerto Rico	6
Prepared statement of	10
Underwood, Hon. Robert A., a Delegate in Congress from the Territory of Guam	6
Young, Hon. Don, a Representative in Congress from the State of Alaska; and Chairman, Committee on Resources	1
Prepared statement of	3
Closing remarks of	284
Statement of Witnesses:	
Alzamora, Hon. Antonio J. Fas, Minority Leader of the Senate-Popular Democratic Party, Senate of Puerto Rico, San Juan, Puerto Rico	93
Prepared statement of	96
Aponte, Hon. Nestor S., Representative, Puerto Rico House of Representatives, San Juan, Puerto Rico	34
Prepared statement of	36
Borges, Hector Quijano, Association of Statehood Attorneys, San Juan, Puerto Rico	223
Prepared statement of	226
Calderon, Hon. Sila M., Mayor, San Juan, Puerto Rico	271
Colberg-Toro, Hon. Severo E., Representative, Puerto Rico House of Representatives, San Juan, Puerto Rico	109
Prepared statement of	115
Fernos-Lopez, Gonzalo, San Juan, Puerto Rico	238
Prepared statement of	241
Ferrer, Dr. Miriam J. Ramirez de, MD, President, Puerto Ricans in Civic Action, Mayaguez, Puerto Rico	14
Prepared statement of	17
Font, Hon. Jorge de Castro, Representative, Puerto Rico House of Representatives, San Juan, Puerto Rico	101
Prepared statement of	103
Gallisa, Carlos, Hato Rey, Puerto Rico	153
Prepared statement of	156
Gerena, Hon. Julio Cesar Lopez, Mayor of Huacao, Humacao, Puerto Rico	233
Prepared statement of	235
Gonzalez, Hon. Ferdinand Lugo, Representative, Puerto Rico House of Representatives, San Juan, Puerto Rico	183
Prepared statement of	185
Guzman, Mr. Arturo J., Chairman, I.D.E.A. of Puerto Rico, Inc., San Juan, Puerto Rico	54
Prepared statement of	255
Hernandez-Arana, Efrain, Lehigh Acres, Florida, prepared statement of ..	280
Inocencio, Hon. Victor Garcia San, House Minority Leader, Puerto Rican Independence Party, Puerto Rico House of Representatives, San Juan, Puerto Rico	167
Jarabo, Hon. Rony, Former Speaker of the Puerto Rico House of Representatives, Popular Democratic Party, San Juan, Puerto Rico	111
Lebrón, Lolita, President, National Party of Puerto Rico, San Juan, Puerto Rico	143

IV

	Page
Statement of Witnesses—Continued	
Lebrón, Lolita, President, National Party of Puerto Rico, San Juan, Puerto Rico—Continued	
Prepared statement of	147
Lopez-Rivera, Hon. Carlos A., President, Mayors Association of Puerto Rico, Dorado, Puerto Rico	190
Márquez, Joaquín A., Esq., Springfield, Commonwealth of Virginia	210
Prepared statement of	213
McConnie, Julian O., Jr., Attorney at Law, Rio Piedras, Puerto Rico	198
Prepared statement of	201
Morales, Edgardo, Professor of Organizational Psychology, University of Puerto Rico, Caguas, Puerto Rico	159
Prepared statement of	162
Negron-Rivera, Erick G., Tax Policy Advisor, Puerto Rico Independence Party, Puerto Nuevo, Puerto Rico	177
Prepared statement of	179
Ortiz-Guzman, Angel J., Guaynabo, Puerto Rico	253
Perez, Julio A. Muriente, President, Puerto Rico New Movement Independent Party, San Juan, Puerto Rico	123
Prepared statement of	126
Ramos, Luis Vega, President, PROELA, San Juan, Puerto Rico	220
Ramos, Oreste,	39
Prepared statement of	42
Rivera, Ramón Luis, Mayor, Bayamon, prepared statement of	278
Robles, Ms. Belen B., National President, League of United Latin American Citizens, El Paso, Texas	64
Prepared statement of	67
Rodriguez, Hon. Jose Guillermo, Mayor of Mayaguez, Mayaguez, Puerto Rico	77
Prepared statement of	79
Rosselló, Governor Pedro, Puerto Rico, prepared statement of	269
Ubinas, Roberto Cardona, President, Union Patriotic National, Aguadilla, Puerto Rico	132
Prepared statement of	135
Velasco, Ramon L., Association of Pro-Commonwealth Attorneys, Bayamon, Puerto Rico	221
Velgara, Frank, Co-Coordinator, Pro-Liberated, New York, New York	142

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

MONDAY, APRIL 21, 1997

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Mayaguez, PR.

The Committee met, pursuant to notice, at 10 a.m. at University of Puerto Rico at Mayaguez, Mayaguez, Puerto Rico, Hon. Don Young (Chairman of the Committee) presiding.

STATEMENT OF THE HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA; AND CHAIRMAN, COMMITTEE ON RESOURCES

Mr. YOUNG. The Committee will come to order.

It is a pleasure to be here holding this third hearing of the 105th Congress on the United States-Puerto Rico's Political Status Act, H.R. 856, in the well-known city of Mayaguez, Puerto Rico. All the testimony we will hear today in Mayaguez will be important and considered equal with the statements received by the Committee in the early hearings of San Juan in Washington, D.C.

The Puerto Rican legislature enacted a valid request on January 23rd, 1997, House Concurrent Resolution 2, asking the Congress to authorize a vote on Puerto Rico's political status before the end of next year. This bill will answer that request by permitting the nearly 4 million U.S. citizens in Puerto Rico to exercise the right of self-determination by choosing a federally authorized vote, to be held no later than the end of 1998, to continue the commonwealth structure of local self-government, separate sovereignty or statehood.

Not only would such a congressional sanctioned political status referendum next year be an unprecedented event in Puerto Rico, but it would likely occur before the centennial of the signing of the Treaty of Paris, which ended the Spanish-American War, and the subsequent transfer of sovereignty over Puerto Rico to the United States. It will be in the best interest of the United States to provide an adequately timed transition to the political status form of full self-government preferred by the full majority of the people of Puerto Rico.

The United States-Puerto Rico Political Status Act has three stages, I want to stress that, three stages, to permit the change to full self-government in a manageable and practical way:

First, the initial decision vote in 1998, followed by a transition period and final implementation. This multi-stage approach per-

mits a smooth transition to address economic, fiscal, legal and political concerns.

Although the bill's approach may seem to add additional years to the decolonization process, it represents a relatively small number of years compared to the five centuries under Spanish and then American rule. Puerto Rico certainly has waited a long time for the United States to provide the people of Puerto Rico the most cherished right in our democracy. In every respect the people of Puerto Rico are every bit as ready as the people of other States were to exercise that right when their time has come. It is now.

It is in the national interest, and in the best interest of preserving and strengthening our democracy, for the United States to move promptly to adopt the United States-Puerto Rico Political Status Act. The people of Puerto Rico will then be able to exercise their right of self-determination and decide in 1998 whether they want to continue the commonwealth structure for local constitutional self-government, separate sovereignty or statehood.

Puerto Rico's political status referendum will be an incredibly historic event of epic proportions befitting the sacrifice, loyalty, and patience of the inhabitants of Puerto Rico, who have waited 100 years for Congress to finally provide for full civil and political rights as charged in the 1898 Treaty of Paris.

The witnesses' views and suggestions today will help the Committee and the Congress to meet that obligation and take the appropriate necessary action to enable the people of Puerto Rico to resolve their political status.

The gentleman from California.

[The prepared statement of Mr. Young follows:]

STATEMENT OF THE HONORABLE DON YOUNG
HEARING ON THE
UNITED STATES-PUERTO RICO POLITICAL STATUS ACT, H.R. 856
April 19, 1997, San Juan, Puerto Rico

It is indeed a pleasure to return to Puerto Rico to continue the work of the Congress in resolving Puerto Rico's status. I believe the hearings today in San Juan and Monday in Mayaguez on the *United States-Puerto Rico Political Status Act*, H.R. 856, are an important part of the process leading to a response to Puerto Rico House Concurrent Resolution 2 of January 23 of this year, asking for a federally authorized vote on Puerto Rico's political status before the end of 1998.

When our plane approached Puerto Rico today, I was once again stunned by the sheer beauty of the island's mountains, rivers, and beaches. It is an impressive view every time I arrive. Another fact that struck me as I looked out over San Juan was the realization that the population of this historic city is twice the size of the entire State of Alaska! What an island! It is no wonder the islands of Puerto Rico have been so prized and the object of many battles during the past centuries, including the Spanish-American War in 1898.

In fact, the principal reason we are here today dates back to when the U.S. flag was hoisted nearly 100 years ago. A legitimate question has since been raised that has yet to be answered: *Should the United States flag in Puerto Rico remain as it is today, be eliminated, or replaced by a flag with an additional star?* Each choice has a corresponding effect on the applicability of the United States Constitution and nationality and citizenship. While the U.S. Constitution follows the flag, Congress determines the extent of the application, and today in Puerto Rico the U.S. Constitution applies only in part. United States nationality also follows the flag and the Constitution, which in Puerto Rico today is both U.S. nationality and statutory U.S. citizenship. This is one of the fundamental questions with related issues we are attempting to resolve through these hearings.

Last month the House Committee on Resources began consideration of the *United States-Puerto Rico Political Status Act*, H.R. 856, with testimony in Washington from six members of Congress, the Governor of Puerto Rico, the three political party presidents of Puerto Rico, and the Administration. Their views are only the beginning of the record which will be added to by the statements which will be presented in San Juan and Mayaguez. It is not the location of the hearing where the statement is given that is important. It is the substance of the testimony that is important.

During congressional consideration last year of the *United States-Puerto Rico Political Status Act*, numerous thoughtful and meaningful suggestions were offered in testimony. Before the end of the 104th Congress in 1996, over 30 major and minor changes were incorporated into the bill, which was re-introduced this year as H.R. 856. I expect many of the proposals presented during these hearings will result in additional changes to the current bill, H.R. 856.

However, the bill's fundamental structure for resolving Puerto Rico's political status has broad bipartisan support in the Congress. The multi-staged approach is sound and offers the best approach to address the many legal, economic, and political issues that are part of this self-determination process. A multi-staged process will insure that each step taken is manageable and practical for both the United States and Puerto Rico. In addition, the bill guarantees that the people of Puerto Rico will have the final say in each stage of the process. Although after these hearings the Congress will enact the law defining the terms of the process and any change of status, the people of Puerto Rico will have the final say in approving each step in the path to full self-government.

In order to obtain a broad cross-section of views of the people of Puerto Rico regarding their political status preference and this process, a large number of witnesses have been invited to appear before the Committee. I appreciate the cooperation of each participant in complying with Congressional rules which are required in other hearings throughout the nation.

Before we begin with our panel of distinguished witnesses representing the three political parties of Puerto Rico, followed by the Mayor of San Juan, the former governor of Puerto Rico, elected officials and other leaders, I want to share part of a letter I received the day after our hearings on this bill in San Juan on March 23rd of last year from Pilar Barbosa Rosario, Official Historian of Puerto Rico:

Greetings to my friend...Don Young.

This is a personal note...written this morning March 24, 1996.

As daughter of José Celso Barbosa and Official Historian of Puerto Rico, I try to be impartial and see others point of view. But when you are almost 99 years of age, and have done research for 45 years (1921-1966) on Barbosa's private and public life, it is quite difficult to maintain completely neutral in our historical interpretations.

Let me congratulate all persons involved in preparing the hearing. The hearing was well organized and the people involved, Congressmen, visitors and Puerto Ricans we all learned a lot.

To me it was a demonstration that in spite of all our colonial status Puerto Ricans have developed and adapted American democracy to our own political ideologies. They are a product of our relations with the U.S. but adapted to our Puerto Rican way of life, different from U.S. and different from other Caribbean neighbors and Hispanic American countries. To us Puerto Ricans that is not surprising but to our visitors from U.S., Hawaii, or Latin America it's something unique-It's Puerto Rican.

So help us God that Pilar Barbosa could live three more years to see what all this results in. So help me God - It's now or never.

Sincerely yours,

Pilar Barbosa Rosario

I was saddened to hear of our loss earlier this year with the passing of Doña Pilar. What a grand lady and fellow citizen. Her opinions regarding this process to resolve Puerto Rico's political status deserve respect and should be treasured, particularly as one who was born in the Nineteenth Century before the United States flag was raised in Puerto Rico.

I believe Doña Pilar's hope for results within three years will happen. "Now" definitely is the time for Congress to formally start the process to permit the people of Puerto Rico to vote to continue local self-government under Commonwealth, separate sovereignty, or statehood. There is a serious determination in Congress to solve Puerto Rico's status problem as a top priority of national importance. I also believe that everyone who participates in these hearings on the *United States-Puerto Rico Political Status Act*, or in any part of the bill's self-determination process, will contribute to the final resolution of Puerto Rico's status, and will in fact one day, "see what all this results in."

**STATEMENT OF THE HON. GEORGE MILLER, A U.S.
REPRESENTATIVE FROM CALIFORNIA**

Mr. MILLER. Thank you, Mr. Chairman, and I am delighted to be here this morning for a continuation of our hearings in Puerto Rico. I will say what I have publicly said before. I think these are terribly important hearings, because I do believe, in fact, there is a very good chance this legislation authorizing the plebiscite will pass in this Congress. And if it does, we will be telling the people of Puerto Rico that we are now prepared to honor their decision.

If that is in fact the direction that we seek to go in the Congress of the United States, then it is very important that we fully understand the implications of that decision; that the American people fully understand the implications of that decision and that the Puerto Rican people fully understand that. That can only be done by our gathering the best evidence we can so that we can discuss it with our colleagues in the United States, in the Congress, so that they can make an informed judgment.

I look forward very much to the witnesses we will be receiving testimony from this morning and this afternoon. Thank you very much. And I want to thank our colleague, Carlos Romero-Barceló, for the invitation to come to Puerto Rico to receive the testimony of his constituents.

Mr. YOUNG. The Gentleman from Guam.

**STATEMENT OF THE HON. ROBERT A. UNDERWOOD, A U.S.
DELEGATE FROM THE TERRITORY OF GUAM**

Mr. UNDERWOOD. Thank you, Mr. Chairman. I too want to echo my words of support for the process that you have led. It is quite clear that the process you have led has now at least gathered the interest and the support of all parties in terms of coming to a final conclusion.

The hearing process allows all the people of Puerto Rico and various points of view to be articulated and also gives certainly the members of the Committee to address issues that need to be addressed, including the definitions and the time line.

Again, I want to commend you for your leadership on this issue and also to again relay my gratitude to the Resident Commissioner for his graciousness and hospitality during our stay here.

Mr. YOUNG. I thank the gentleman from Guam.

It is now my pleasure to introduce the Resident Commissioner, a good friend, who has worked on this project for the many years I have been chairman and the ranking member, Carlos Romero-Barceló

**STATEMENT OF THE HON. CARLOS ROMERO-BARCELÓ, RESIDENT
COMMISSIONER FROM THE COMMONWEALTH OF
PUERTO RICO**

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman, I want to begin my remarks by welcoming all the Committee members to the beautiful Mayaguez campus of the University of Puerto Rico. As an added factor that is perhaps not known by everyone, the Mayaguez campus is well-known throughout the NASA institution in the United States for probably the most engineer graduates from a single university. The largest number here has graduated from the

Mayaguez Institute of Technology, as we call it jokingly sometimes. But it is an outstanding institution and has served Puerto Rico well and is serving also the Nation well.

Mr. Chairman, on Wednesday, February 26, 1997, a historic process began, and on that date more than 70 Members of Congress introduced H.R. 856, the United States-Puerto Rico Political Status Act. Many things have happened since that day, and on March 19, the Resources Committee held hearings in Washington and a group of 12 Senators introduced a similar version of this bill in the Senate on the same day. Last Saturday, April 19, we held a hearing in San Juan, and congressional support for the bill has increased, as we now have 84 cosponsors.

President Clinton has made the establishment of a process that will enable the people of Puerto Rico to decide their future relationship with the United States his highest priority regarding the Island; this from a March 19th statement by Jeffrey Farrow.

Throughout this time, the Committee has given everyone who has expressed an interest in this issue the opportunity to participate and state his or her point of view either by submitting a written statement or by testifying in person. During these 2 days of hearings here in Puerto Rico alone, the members of the Committee will have had the opportunity to hear from over 50 witnesses representing the whole political spectrum of the Island, and this process has been characterized for its openness, inclusiveness and fairness, and for that, both you, Mr. Chairman, and Mr. Miller, have to be commended.

This hearing is another important step in this process, a process I hope will finally end Puerto Rico's long journey toward disenfranchisement and full self-government.

It was almost 100 years ago, in 1898, Spain ceded Puerto Rico to the United States at the end of the Spanish-American War. In 1917, Puerto Ricans became U.S. citizens, a citizenship that we have cherished and valued ever since, and a citizenship that we have defended with our lives and our blood.

Then in 1952, the Island adopted a local constitution and became a so-called Commonwealth of the United States, a purely cosmetic change that did not in any way affect the Island's status as an unincorporated territory of the United States subject to the authority and powers of Congress under the territorial clause of the Constitution. In international terms, Puerto Rico remained a colony.

Prominent members of the Popular Party have recognized this fact. Even former Governor and Commonwealth architect Luis Munoz Marin, testified at a Congressional hearing on March 4, 1950, that the proposed changes to the Island's status did not change the fundamental conditions of Puerto Rico as nonincorporation and only permitted Puerto Rico to develop its own self-government.

Jose Trias Monge, a former chief judge of the Supreme Court and member of Puerto Rico's Constitutional Assembly, acknowledged in his book *Historia Constitucional de Puerto Rico* that even after 1952, Puerto Rico continues suffering a colonial status. "Puerto Ricans have the distinction of having the longest period of colonialism in the whole world. What a sad distinction," indicated Mr. Trias Monge in his book.

I have devoted most of my adult life in this struggle and to leading my people in the long and treacherous journey toward enfranchisement and equality. As former Mayor of San Juan, Puerto Rico's capital city, and Governor, and now Member of Congress, I have heard my people's voices and have shared their dreams and their aspirations. As you may have experienced in these past few days, these voices, questions and aspirations resonate loudly in the Island, although to most Americans living in the continental United States, they may seem as distant echoes.

Many of our students on this campus have asked if our present institution will at some time deny them or their younger brothers and sisters or their children equal treatment in Federal education programs that they desperately need to succeed in today's competitive world. Young couples ask me why they have to move to the States in order to search for opportunities that are not available to them in Puerto Rico. Puerto Rican veterans, who have served the United States gallantly in all the Nation's wars and conflicts in this century, ask me why they cannot vote for the President that, as Commander in Chief, may tomorrow also send their sons and daughters to fight and die in times of war. The elderly ask why their health benefits and other support programs are less than if they resided in New York, Illinois, Alaska, Rhode Island, California, Florida or any other State of the Union. I have heard the voice of a grandmother wondering why her son, who died in Vietnam, gave his life for a country who denied her and her grandchildren a right to participate on equal terms.

The answer to this question is clear. We are not equals because we are not partners. We are not equal because we are submerged in a colonial relationship in which our economic, social and political affairs are controlled, to a large degree, by a government in which we have no voting influence and in which we do not participate. We are not equals because we cannot vote for the President of the Nation of which we are citizens and because we do not have a proportional and voting representation in the Congress that determines the rules under which we conduct our daily lives and the rules that influence and determine our future.

I believe that the latest developments in Congress and within the Clinton administration clearly show that after 100 years, the Puerto Rico colonial dilemma has finally become a national issue and one that the two active branches of government recognize has to be resolved before we enter the next millennium. The disenfranchisement of the 3.8 million U.S. citizens residing in Puerto Rico has to stop and it has to stop now.

Before I close, I want to take this opportunity to address an issue that has been raised by various groups during the Committee's deliberations, and that is the issue of the nonresident voting in the proposed 1998 plebiscite. Some have advocated that all people born in Puerto Rico and, in some cases, their immediate descendants be allowed the right to vote in the plebiscite regardless of their place of residency by waiving the residency requirement of Puerto Rico's electoral law or by seeking approval from the U.S. Congress. While we recognize that some of the advocates for the nonresident voting may have a sincere interest in this issue, the fact is some are also

raising this issue with the only purpose of trying to derail this process.

To allow nonresidents to vote in this plebiscite is neither viable nor fair. Although we recognize and understand many Puerto Ricans who migrated to the mainland did so in search of better opportunities that they could not find here in Puerto Rico because of the Island's colonial status, it is clear the discussion of Puerto Rico's political destiny should remain in the hands of the ones who live on the Island and who will receive the benefits or the adverse effects of the people's decision. Those are the ones who will have to face the consequences of any new relationship between Puerto Rico and the United States. It seems highly unfair that those who have been able to enfranchise themselves by moving to one of the 50 States be allowed to vote to continue the disenfranchisement of those who remain living on the Island.

Mr. Chairman, I feel honored at having the opportunity to find myself in the center of this historic process. Once again, I want to thank you for your leadership and vision in filing this bill and for holding this hearing, and I look forward to the testimony of the panelists.

[The prepared statement of Mr. Romero-Barceló follows:]

Statement of
Congressman Carlos Romero-Barceló
Hearing on HR 856
The United States-Puerto Rico Political Status Act
Mayaguez, Puerto Rico

April 21, 1997

I would like to begin my remarks today by welcoming all the Committee Members to the beautiful Mayaguez Campus of the University of Puerto Rico.

Mr. Chairman, on Wednesday, February 26, 1997, a historic process began. On that date, more than 70 Members of Congress introduced HR 856, *The United States-Puerto Rico Political Status Act*.

Many things have happened since that date. On March 19, the Resources Committee held hearings in Washington and a group of 12 Senators introduced a similar version of this bill in the Senate. And last Saturday, April 19, we held hearings in San Juan. Congressional support for the bill has increased, as we now have 84 cosponsors, and President Clinton has made the establishment of a process that will enable the people of Puerto Rico to decide their future relationship with the United States his "highest priority regarding the Island" (March 19 statement of Jeffrey Farrow).

Throughout this time, the Committee has given everyone who has expressed an interest in this issue the opportunity to participate and state his or her point of view, either by submitting a written statement or by testifying in person. During these two days of hearings here in Puerto Rico alone, the Members of the Committee will have had the opportunity to hear from over 50 witnesses, representing the whole political spectrum of the Island. This process has been characterized for its openness, inclusiveness and fairness, and for that both you Mr. Chairman and Mr. Miller have to be commended.

Today's hearing in Mayaguez is another important step in this process; a process that I hope will finally end Puerto Rico's long journey towards enfranchisement and full self-government.

It was almost 100 years ago that, in 1898, Spain ceded Puerto Rico to the United States at the end of the Spanish-American War. In 1917, Puerto Ricans became U.S. citizens, a citizenship that we have cherished and valued ever since and a citizenship that we have defended with our lives and with our blood. Then, in 1952, the Island adopted a local Constitution and became a so-called Commonwealth of the United States, a purely cosmetic change that did not, in any way, affect the Island's status as an unincorporated territory of the United States subject to the authority and powers of Congress under the territorial clause of the Constitution. In international terms, Puerto Rico remained a colony.

Prominent members of the Popular Party have recognized this fact. Even former Governor and Commonwealth architect, Luis Muñoz Marín, testified at a Congressional hearing on March 4, 1950 that the proposed changes to the Island's status "did not change the fundamental conditions of Puerto Rico as non-incorporation and only permitted Puerto Rico to develop its own self-government. José Trias Monge, a former Chief Judge of the Supreme Court and member of Puerto Rico's Constitutional Assembly acknowledged in his book *Historia Constitucional de Puerto Rico* that even after 1952, Puerto Rico clearly continued suffering a colonial status. "Puerto Ricans have the distinction of having the longest history of colonialism in the whole world. What a sad distinction!", indicated Mr. Trias Monge in his book.

I have devoted most of my adult life to this struggle and to leading my people in this long and treacherous journey towards enfranchisement and equality. As former Mayor of San Juan, Puerto Rico's capital city, as Governor and now member of Congress, I have heard my people's voices, and have shared their dreams and aspirations. As you may have experienced in this past few days, these voices, questions and aspirations resonate loudly in the Island, although, to most Americans living in the continental United States, they may seem as distant echoes.

College students right here in this Campus have asked me if our present status will at some time in the future deny them or their younger brothers and sisters or their children, equal treatment in Federal education programs that they desperately need to succeed in today's competitive world. Young

couples ask me why they have to move to the states in order to search for opportunities that are not available in Puerto Rico. Puerto Rican veterans who have served the United States gallantly in all of the nation's wars and conflicts in this century ask me why they cannot vote for the President that, as Commander in Chief, may tomorrow also send their sons and daughters to fight and die in times of war. The elderly ask me why their health benefits and other support programs are less than if they resided in New York, Illinois, Alaska, Rhode Island, California, Florida, or any other state of the Union. I have heard the voice of a grandmother wondering why her son, who died in Vietnam, gave his life for a country that denies her and her grandchildren the right to participate on equal terms.

The answer to these questions is clear. We are unequals because we are not partners. We are unequals because we are submerged in a colonial relationship in which our economic, social and political affairs are controlled, to a large degree, by a government in which we have no voting influence and in which we do not participate. We are unequals because we cannot vote for the President of the nation of which we are citizens and because we do not have a proportional and voting representation in the Congress that determines the rules under which we conduct our daily lives and the rules that influence and determine our future.

But I believe that the latest developments in Congress and within the Clinton Administration clearly show that, after 100 years, the Puerto Rico colonial dilemma has finally become a national issue, and one that the two active branches of government recognize has to be resolved before we enter the next millennium. The disenfranchisement of the 3.8 million U.S. citizens residing in Puerto Rico has to stop, and it has to stop now.

Before I close, I would like to take this opportunity to address an issue that has been raised by various groups during the Committee's deliberations and that is the issue of the non-resident voting in the proposed 1998 plebiscite. Some have advocated that all people born in Puerto Rico, and in some cases their immediate descendants, be allowed the right to vote in the plebiscite regardless of their place of residency by waving the residency requirement of Puerto Rico's electoral law or by seeking approval from the U.S. Congress. While we recognize that some of the advocates for the non-resident voting may have a sincere interest on this issue, the fact is that some are also raising this issue with the only purpose of trying to derail this process.

To allow non-residents to vote in this plebiscite is neither viable nor fair. Although we recognize and understand that many Puerto Ricans who migrated to the mainland did so in search of better opportunities that they could not find here in Puerto Rico because of the Island's colonial status, it is clear that the discussion of Puerto Rico's political destiny should remain in the hands of the ones who live on the Island and who will receive the benefits or the adverse effects of the people's decision. Those are the ones who will have to face the consequences of any new relationship between Puerto Rico and the United States. It seems highly unfair that those who have been able to enfranchise themselves by moving into one of the 50 states be allowed to vote to continue the disenfranchisement of those who remain living on the Island.

Mr. Chairman, I feel honored at having the opportunity to find myself in the center of this historic process. Once again I want to thank you for your leadership and vision in filing this bill and for holding this hearing, and look forward to the testimony of our panelists.

Mr. YOUNG. I thank the gentleman.

The audience may have noticed that the curtain was rising and falling behind me. I am not sure what that meant. I hope it is not an omen.

We call our first panel. Dr. Miriam J. Ramirez de Ferrer, Nestor S. Aponte, Arturo J. Guzman, and Belen B. Robles.

They are all before us, and I will try to keep the testimony at 5 minutes, if possible. Keep that in mind as we go forth during this hearing.

I do welcome you to these hearings and we are here to learn and listen.

**STATEMENT OF DR. MIRIAM J. RAMIREZ DE FERRER, MD,
PRESIDENT, PUERTO RICANS IN CIVIC ACTION, MAYAGUEZ,
PUERTO RICO**

Ms. MIRIAM J. RAMIREZ DE FERRER. Chairman Young and members of this Committee, I am proud to welcome you to the city of Mayaguez. My name is Miriam Ramirez de Ferrer, and I am accompanied by the vice president of my organization, Attorney Luis Costas, who will be available for any constitutional or legal questions that might come up. Please include my written statement for the record as part of my time.

Mr. YOUNG. Without objection.

Ms. MIRIAM J. RAMIREZ DE FERRER. During all these years, we have visited Washington many times to tell you about the tangled web of local party status politics and to explain how failure to solve the status issue has crippled the social and economic development of Puerto Rico. It has been frustrating, because those who want to preserve their political power and profit by preserving the status quo have had tremendous ability to influence Congress.

Today I am filled with that sense of peace that comes in the struggle for liberty, when the truth is finally revealed. I know the behavior of some of the audience at the hearing in San Juan was not as dignified as it should have been, but the Committee did the right thing by allowing the pro-commonwealth faction to show their true colors.

That political faction in Puerto Rico went beyond cheering for their champions and showed disrespect for witnesses in the process. However, it was not spontaneous, it was a well-orchestrated event meant to disrupt the hearings and reduce the time allotted for questions and other witnesses.

As a matter of fact, the San Juan Star said in yesterday's edition, "When the panel of pro-commonwealth witnesses completed its turn before the panel, dozens of the PDP faithful left. And that brought almost to an end the noise and disruption."

That is why self-determination should not be a transaction exclusively between Congress and the Puerto Rico political parties. People have consistently voted for a status change in all referendums and against the status quo. The status quo does not have the support of the majority of the people of Puerto Rico. That is why it is imperative that a process for self-determination be established. At the end, it will be an individual choice between the United States citizens in Puerto Rico who will exercise the right to self-determination in the privacy of a voting booth.

At the San Juan hearing you heard the bizarre theories of sovereignty and tortured logic of the autonomous doctrine. It is a passive aggressive dogma that in a military tone demands recognition of a separate national sovereignty, but claims victimization at the mere suggestion that separate nationality might mean separate citizenship.

It is a schizophrenic political identity which enables the aristocracy of the colonial era to perpetrate its political power by pretending that such aristocracy is the champion of Puerto Rico dignity. The discussion of status under the Young bill has unfolded the truth about the proposals of commonwealth exponents.

Don't take it from me. You heard it yourself.

Their theory is that since all people have inherent sovereignty, and this is recognized by the United Nations' resolutions and the United States Constitution, then Puerto Rico has a form of separate sovereignty. They take that half truth and pretend that the local sovereignty and internal autonomy that Puerto Rico has under the territorial clause of the Constitution approved in 1952 is the same as national sovereignty for Puerto Rico. This makes a mockery of the United States national sovereignty under the Treaty of Paris and the territorial clause.

Again, they have revealed their false theory to Congress, asserting that local autonomy granted by Congress is a form of national sovereignty that puts Puerto Rico on the plane of bilateral, sovereign-to-sovereign, nation-to-nation level of mutuality with the United States. But when they say "mutual consent," they mean that the political relationship of Puerto Rico and the United States is permanent because Congress agreed to a local constitution in 1952.

According to them, through this, Congress gave up its sovereign power and consented to make nonincorporation a permanent union and binding status for Puerto Rico with permanent United States citizenship. Their theory ignores constitutional supremacy. No matter what Public Law 600 is purported to do, the constitutional supremacy clause prevails.

They also told you that Congress has the power to improve, enhance, and develop Puerto Rico, but no authority to require Puerto Rico to contribute to the Union. That arrogant demand is what some now are calling "reverse colonialism." According to these political leaders, the United States has national sovereignty only to the extent delegated by the Nation of Puerto Rico.

But listen to this, even though the 10th Amendment does not apply to Puerto Rico, if Congress exercise its constitutional authority under the territorial clause, you heard them Saturday, they make the childish threat to take you to court. You also heard the politics of shouting down all who question their opportunistic ideology imposed on us by the strident, shrill and uncivil pro-commonwealth representatives.

I will leave you with just one thought. My message is simple. Although the United States Federal Government contributed to the problem by going along with the myth and allowing the colonial situation to be perpetuated, the United States did not do this to Puerto Rico.

The leadership of the pro-commonwealth party was the driving force in creating this problem because they do not have the courage to face a real choice between citizenship under United States national sovereignty and separate national sovereignty with separate citizenship.

The real challenge for the people in self-determination is to take the responsibility for solving our own problems. Commonwealthers have tried for 40 years to propose a status which does not exist. Now we need to face the real choices. What we need is for Congress to set aside the myth and point out the realities. Please define the options available and we can do the rest ourselves.

The people of Puerto Rico have great faith that this particular effort will put an end to our divisive status discussion and uncertainty about our future. Thank you very much.

[The prepared statement of Ms. Ramirez de Ferrer follows:]

Puerto Ricans in Civic Action



Puertorriqueños en Acción Ciudadana
Miriam J. Ramirez de Ferrer MD, President

Box 3225, Mayaguez, P.R. 00681
Tel. & Fax : (787) 834-0726
mjearn@coqui.net

Written Statement
of
Miriam J. Ramirez De Ferrer, MD

Before The

Committee On Resources
U.S. House Of Representatives

Regarding

H.R.856

"THE UNITED STATES--PUERTO RICO POLITICAL STATUS ACT"

April 21, 1997
Mayaguez, Puerto Rico

WHY SHOULD CONGRESS APPROVE H.R. 856?

The first question each Member of Congress must ask regarding H.R. 856 is this:

Why should the 105th Congress approve legislation to resolve the political status of Puerto Rico through a federally-recognized process of self-determination?

To answer that question, we need to recall that Congress attempted but failed to approve political status legislation for Puerto Rico in 1991. As a result, a plebiscite on political status was held under local law in Puerto Rico on November 14, 1993. In said plebiscite, the definition of the proposed "commonwealth" political relationship on the ballot was formulated by the Popular Democratic Party, a local political party in Puerto Rico.

The result was a definition of "commonwealth" status on the 1993 ballot in which:

- Federal welfare entitlements would increase;
- Puerto Rico would be guaranteed permanent union with the United States;
- United States citizenship would be irrevocable, as guaranteed by the U.S. Constitution to the fifty states;
- There would be guaranteed exemption from federal income taxation;
- Puerto Rico could nullify federal law if not in agreement with acts of Congress applicable to the status of the territory.
- and Puerto Rico would have a form of separate national sovereign identity apart from the U.S.

Even with these enhancements, intended to make the "commonwealth" option irresistible to the public, and offering all the benefits of statehood without the responsibilities, the commonwealth "status" definition on the 1993 ballot only received 48% of the votes. Statehood, (even with taxes), received 46.3% and independence (with guaranteed US citizenship and Social Security, etc.) received only 4.4%.

Since no option received a majority in the 1993 vote, there is no decisive democratic mandate for any of those options. This does not create a legal or political dilemma with respect to statehood or independence, since those two options are future status alternatives, the terms for which Congress has yet to define or approve. Only when the voters know the terms under which Congress would consider those two options would a vote on either of these options be meaningful, which is one of the reasons H.R. 856 is needed.

It may be said that the present "commonwealth" is the current political relationship, as defined by Congress and established by federal law, yet although it was presented on the ballot in the most favorable terms conceivable by its supporters, it still did not receive a majority of votes. Thus, the failure of commonwealth to receive a majority vote creates a legal and political dilemma for Puerto Rico and the United States.

The new reality is that a majority of the patriotic U.S. citizens of Puerto Rico have gone to the polls and rejected the current relationship, which just so happens to be one in which the US citizens in Puerto Rico are disenfranchised in the constitutional process through which federal power is exercised in the territory. Continuation of this territorial "status", without establishing any process defined by Congress for resolution of the status based on self-determination, is not consistent with the fundamental democratic principle of government by consent of the governed.

On one hand, some might argue that this simply is the condition of U.S. citizens who reside in unincorporated territories which are under U.S. sovereignty, but not within a state of the union.

However, among the U.S. unincorporated territories, Puerto Rico is the largest and most populous, and it alone has a 45 year record of political stability and democratic pluralism, through internal constitutional self-government, which compares quite favorably to the governments of states previously admitted to the union.

Yet, Puerto Rico has never been enabled by Congress to vote on options for a permanent status -- either within or outside the federal union -- according to definitions recognized by the United States. Now, when Puerto Rico was compelled by Congressional inaction to initiate the self-determination process, (based on definitions accepted from the local parties supporting each option, to avoid criticism of bias, for or against any status), the voters have withheld majority approval from the existing political relationship.

Ironically, even if the voters in a local plebiscite approved the current political relationship, constitutionally it is not a permanent form of political union. Rather, it is a "status" created by statutes approved by Congress in the exercise of its territorial clause authority. Those statutes can be amended by Congress at any time, consistent with its determination of the national interest. Puerto Rico does not have a legally vested or constitutionally guaranteed right to the current "status".

Thus, the question of Puerto Rico's ultimate status will remain unresolved and can be reopened at any time by federal action or local self-determination initiatives, until a permanent status is achieved through statehood or separate sovereignty. It is for this very reason that the provision of H.R. 856, which requires periodic referenda, becomes so critical in the event that there is no status resolution in the first cycle of the self-determination process under the bill.

Now that more than a majority have voted to change the current political relationship, it arguably would constitute denial of the right of self-determination not to have in place a Congressionally sponsored procedure through which the people can express their wishes freely. This alone can provide the basis for Congress to respond based on its responsibility to exercise the right of self-determination, which the nation as a whole has in its relationship to Puerto Rico.

To eliminate any basis for the allegation that the U.S. policy supporting Puerto Rico's decolonization based on self-determination has broken down or become dysfunctional, there must be a periodic referendum procedure until full self-government is achieved.

Congress has the authority and right to prescribe the terms it will accept on behalf of the nation in order to implement a status chosen by the people, or to decline to do so; But the people must have a right to an informed and democratic process of self-determination, and to know what the U.S. will or will not accept, so that the U.S. citizens of Puerto Rico can make further informed decisions on our status.

Without such a periodic self-determination process authorized by Congress, the lack of consent to the existing form of government could become the basis for legitimate criticism of U.S. administration of Puerto Rico.

In this connection, the fact that Puerto Ricans voted in 1952 to establish a local constitution did not resolve the political status of the territory. For years some key House and Senate leaders have been misled into believing that the current political status of Puerto Rico was established with the consent of the people in 1952, when in reality the 1952 vote simply established internal constitutional self-government.

Puerto Rico's political relationship with the United States, as an unincorporated territory subject to the authority of Congress under the territorial clause of the U.S. Constitution was established under the Treaty of Paris in 1899, and continues to this day unaltered, regardless of statutory measures to increase local self-government. The authorization and approval by Congress of a local constitution adopted by the people was an important step to make full self-government possible, but did not complete the decolonization process that started in 1952.

Even though the UN accepted the U.S. decision to stop reporting on Puerto Rico to that international organization in 1953 based on the adoption of the local constitution, the decolonization process that was expected to follow internal self-government stalled in the decades that followed, because of the partisan and commercial interest in preserving the status quo, as discussed below.

Indeed, the U.S. Supreme Court and several lower federal courts have confirmed that adoption of a local constitution, as authorized under federal law in 1952, did not end the territorial clause authority of Congress or unincorporated territory status of Puerto Rico. As recently pointed out in a written statement regarding H.R. 856 addressed to the Committee on Resources from former Congressman Robert J. Lagomarsino, this is a status under the federal constitution which is "permissive" rather than one based on constitutional rights.

No matter what "enhancements" those in Puerto Rico or the federal government who support perpetual "commonwealth" may offer to the people, under the U.S. Constitution the current unincorporated territorial status and statutory citizenship of Puerto Ricans can not be made permanent. The attempt by some over the last four decades to persuade Congress and Puerto Rican leaders that the "commonwealth" can be transformed into a permanent constitutional status with guaranteed citizenship, through a statutory sleight-of-hand based on a "mutual consent" requirement for federal law applicable to the territory, has been repudiated and rejected by the House Committee on Resources, the Congressional Research Service, the Department of Justice and the U.S. Supreme Court. (See, House Report 104-713, Part 1, pp. 18-23, 30-36, and Appendix III).

SELF-DETERMINATION BASED ON REAL OPTIONS

I emphasize these points, because in 1987 my grassroots organization delivered to the Congress of the United States over 350,000 individually verified signatures from U.S. citizens from Puerto Rico, petitioning for a permanent status for Puerto Rico and equal citizenship for persons born here through admission of Puerto Rico as the 51st State of the Union.

President Bush responded to the ground swell of support for self-determination in Puerto Rico in his first State of the Union address on February 9, 1989, saying:

"I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge Congress to take the necessary steps to allow the people to decide in a referendum."

The response of Congress to the petition of the people and the commitment of several recent Presidents, including Mr. Bush has been inaction, notwithstanding the difficult and time-consuming effort in Congress from 1989 to 1991 to approve legislation to provide for a self-determination process in Puerto Rico. That legislation died -- after great agony -- in the 101st Congress. The primary opponents of that legislation included those who were beneficiaries of the Section 936 tax credit scheme, commonly referred to as "corporate welfare" and only possible

under the existing political relationship in Puerto Rico. They are a powerful lobby, that is far more sophisticated than my neighborhood and community-based democratic action network.

Thus, consideration of said Puerto Rico legislation in 1991 became influenced, not by the debate over the national interest relating to the status of Puerto Rico, but by the debate about preserving the Section 936 corporate welfare tax loop hole. Continuation of the current "commonwealth" status, by killing legislation that would produce any real change, was the goal of the Section 936 companies and the Puerto Rican political leaders in their camp. Thus, self-determination legislation was delayed until Congress finally repealed the corrupting Section 936 tax gimmick in 1996.

Ten years later, we still wait -- respectfully but with renewed resolve -- for an answer to our petition. We believe H.R. 856 is the best answer Congress can give to our petition in 1997, even though it is not what we asked for in 1987.

This is so, because H.R. 856 will create a process that will by its very nature educate the people of Puerto Rico, and the nation as a whole, to the real choices which must be made to resolve the status of 3.8 million U.S. citizens who are not yet fully self-governing in the most fundamental sense. The record before Congress is now very clear: Puerto Rico is an unincorporated territory, an impermanent "status" which includes U.S. citizenship and political union in a form which constitutionally is alterable and terminable at the discretion of the U.S. Congress -- limited, if at all, only by the due process requirement of a legitimate federal purpose.

Although my organization supports admission of Puerto Rico as a state in order to complete the decolonization process and extend equal legal and political rights to the 3.8 million U.S. citizens of Puerto Rico, we recognize that there must be a legitimate self-determination process for both Congress and the qualified voters of Puerto Rico regarding the options for full self-government.

The first step is to accurately define the options, then those who favor statehood, as well as those who favor either separate sovereignty or the status quo, can tell their respective stories to the people and Congress. In a fair debate on a level field the people can work their will, allowing Congress it turn to work its will in a proposed transition plan, so there can be a second referendum to determine if there is agreement to resolve the ultimate status of Puerto Rico.

H.R. 856 will accomplish that goal, and Puerto Ricans United in Civic Action supports the bill because unlike some we trust the people and we are prepared to accept the results of a democratic self-determination process. However, there are concerns about the bill which we feel compelled to state for the record.

RESTORE TWO PART BALLOT

First, we believe it was a mistake to revise the legislation in order to present "commonwealth" as a third option, in a side-by-side format with statehood, and separate sovereignty. This does not create a level playing field or provide for a true decolonization process for Puerto Rico, but creates an advantage in favor of the status quo. The original two-part ballot format contained in H.R. 3024, as approved by the Committee on Resources on July 26, 1996, is a more accurate presentation of the questions facing the people of Puerto Rico.

Specifically, the two part ballot format in H.R. 3024 made it possible for the voters in Puerto Rico to understand that "commonwealth" is a territorial status, approval of which does not

permanently resolve the question of Puerto Rico's ultimate status. Consequently, approval of "commonwealth" as it actually is (unincorporated territory) will require further self-determination in the future to ascertain the wishes of the people regarding a permanent status.

The proponents of commonwealth as a "status" equal to statehood or independence have been so successful for so many years, that they may actually have felt that it was unfair when Congressional leaders started to pierce the veil of ambiguity and clarify the issues by pointing out that the territorial clause still applies to Puerto Rico. The cries we heard last year about the "unfairness" of a ballot that made a distinction between options for full self-government outside the territorial clause, and the option of remaining under the territorial clause until a form of full self-government is agreed by Congress and the residents of Puerto Rico, still resound in the halls of Congress.

The members of my organization are concerned that the sponsors of H.R. 3024, and now H.R. 856, may have started to believe that maybe it was unfair to make that distinction. If the return to a three option ballot was an attempt to appease those who protested the unfairness of H.R. 3024, we doubt that it will be a sufficient gesture. These are true zealots, hard-core ideological believers, and they will simply want more concessions now.

More importantly, the people may be misled into believing that the commonwealth political relationship and U.S. citizenship based thereon actually are co-equal options, which if approved can become permanent. This has the potential for real mischief by the supporters of permanent commonwealth, aimed at confusing people or lead them to the wrong conclusions about that status option.

Therefore, we are concerned that the Committee on Resources may have gone too far to please the critics of H.R. 3024, and we urge the Congress to restore the more truthful and accurate two-part ballot. The original format ensured that Puerto Ricans would have the right to vote for the current commonwealth status quo, but not based on the myth that it is or can be transformed into a decolonized permanent status.

" NEW COMMONWEALTH " PROPOSAL

In addition to a ballot format which accurately distinguishes the options for permanent full self-government from the options for continued territorial status, it is very important for Congress to clarify that the current political relationship is not permanent. This is due to the fact that for 40 years some of the prominent and influential supporters of "commonwealth" as a final and permanent status, have indoctrinated those among the public who came under their influence to believe that Puerto Rico in 1952 achieved a permanent formula of "separate nationality and free association with common citizenship."

The proposal for a "New Commonwealth" definition submitted to Congress by the Popular Democrat Party (PDP) of Puerto Rico on March 19, 1997, has been "sanitized" as much as possible with coaching from sympathetic Washington insiders. However, Congress should make no mistake about the fact that this "New Commonwealth" is the same old wine, and it is even in the same old bottle. Only the label is new. Other than that, it is vintage nullificationist doctrine, which seeks to transpose cultural separatism and the politics of ethnocentric alienation into separate nationality in the legal and constitutional sense.

The term they use is "mutual consent" but in reality the "New Commonwealth" definition presented by the PDP is a nullificationist defense of the status quo and the political aristocracy of the colonial period in Puerto Rico. Just as nullification has been the doctrine of choice for other

embattled political subcultures, aristocracies and ideological elite in American history which have stopped listening to or trusting the people, in Puerto Rico it is the last refuge for those whose self interest is served by defying the principles of equal justice and full citizenship which are at the heart of American constitutional federalism.

The PDP must learn the same lesson that every other nullificationist movement in American history has learned – the promise of equal citizenship, rule of law and limited government under the U.S. Constitution can be denied and delayed, but by the very abuse of such denial and delay the ultimate inevitability of its redemption is assured.

Thus, if Puerto Rico is to remain within the framework of the U.S. Constitution there is no substitute for full equality of citizenship through statehood. If Puerto Rico wants to isolate itself legally and politically from the rest of the nation, it can not "have it both ways" with separate national sovereignty and the benefits of permanent union and irrevocable citizenship. If constitutionally guaranteed separatism and an end to political integration is the will of the people, national independence is the path that ultimately must be taken.

Every day that we spend arguing over the "free association with common citizenship" theory of "commonwealth" is a day wasted; days that could have been more wisely used to promote achievement of self-determination, through a process in which the people inform Congress of their own preferences based on definitions consistent with the federal constitution. This allows the people whose future status is at stake, to make that determination for themselves, and it allows Congress then to understand and respond the results of the self-determination process.

That is how decolonization is achieved in the American constitutional process.

OFF ISLAND VOTING

An additional issue regarding H.R. 856 which I want to address is the proposal made by some at the March 19, 1997 hearing on the bill in Washington that any U.S. citizen born in Puerto Rico should be qualified to vote in the referenda to be held under this legislation. The reasons why this can not be allowed are relatively straightforward.

First, persons born in Puerto Rico who reside in the states of the union have functional political and legal equality with all other U.S. citizens in the states. Thus, they are enjoying the daily blessings of liberty denied in Puerto Rico, including full participation and enfranchisement in the federal political process. U.S. citizens born in Puerto Rico are not in a chronic colonial condition when they are residing in the states in the same sense as those living in Puerto Rico.

The U.S. citizens residing in Puerto Rico are the population which is not yet decolonized due to the lack of full self-government. The territory and population which is subject to decolonization through self-determination is that of Puerto Rico.

Any attempt to define classifications of U.S. citizens in the states eligible to vote in a federally-sponsored status referendum in Puerto Rico would create imponderable constitutional questions of improper discrimination under equal protection and due process principles in the federal constitution. In addition, under principles of self-determination and international decolonization standards recognized by the U.S. voting by Puerto Rican born U.S. citizens in the states would create an impossible dilemma.

These problems would be aggravated in the case of person born in the U.S. but of Puerto Rican born parents.

For example:

- How can Congress create a classification under federal law which discriminates between U.S. citizens for purposes of voter eligibility based on place of origin, birth or ancestry?
- If persons born in the U.S. of Puerto Rican born parents are allowed to vote, how can persons born in the U.S. who have no Puerto Rican ancestry be denied the right to vote consistent with the equal protection principle?
- If any U.S. citizens born in a state have a legitimate interest and right under federal law to vote in a referendum on the status of Puerto Rico, then how would we deny that all U.S. citizens born in the states have that same interest and right?
- What about people born in the U.S. with one Puerto Rican parent? What about Puerto Rican grandparents? Siblings? Children?

A classification which allows voting by persons born in the U.S. of Puerto Rican born parents would mean that persons with U.S. nationality and citizenship which is guaranteed by the 14th Amendment due to birth in a state could vote for independence for Puerto Rico, and thereby contribute to the result that U.S. citizens born in Puerto Rico could lose their statutory U.S. nationality and citizenship which is based on birth in the territory, or at least lose the ability to pass it on to their children even if statutory U.S. citizenship is grandfathered for living person who decline Puerto Rican citizenship under independence.

In addition, if Puerto Ricans in the mainland are allowed to vote and the result is statehood, the entire process is subject to valid criticism that the colonial power allowed the Puerto Rican population which has full self-government due to migration to the states to determine the status of the less than fully self-governing population in the territory. Again, it is the disenfranchised population in the territory that has not achieved full self-government which has the recognized right of self-determination, not the population which enjoys self-determination through enfranchisement in the states.

The election laws of Puerto Rico provide a procedure for off-island voting by people who are domiciled in Puerto Rico but temporarily absent (see, Section 41a of Title 16). That is the law which should govern the matter of non-resident voting. No special or extraordinary measures should be adopted at this stage because it would disrupt and distort the democratic process.

The fact that absentee voting has been allowed as permitted under local law as part of decolonization procedures in some cases is not a determining factor in the case of Puerto Rico, where the non-resident population of Puerto Ricans is so large that it could very likely decide the outcome of the vote. Even if the constitutional objections could be overcome, this would create the same dilemma regarding the legitimacy of the result as the 1993 vote has created with respect to the current status of the territory.

The argument that stateside Puerto Ricans should be allowed to vote because any U.S. citizen can simply go to Puerto Rico and vote in the referendum is simply wrong. Under Puerto Rican election law (Section 3053 and Section 3054 of Title 16), voters must be a U.S. citizen "domiciled" in Puerto Rico. The law specifically requires that the person has "manifested his

intention of remaining" in Puerto Rico, and states that there can be but one domicile for any person. A person in Puerto Rico "temporarily" does not qualify to vote.

Section 41 of the Election Law in Title 16 of the Code is even more specific. It requires that the person "...in good faith has established a domicile for (1) one year prior to the date of the election..." The statute goes on to state that "...legal residence or domicile is the place where a person habitually resides..."

There were a lot of misrepresentations and misleading statements made to the Committee on Resources about these matters at the hearing on H.R. 856 in Washington on March 19, 1997. In addition to clarifying the issues relating to voting by non-residents, it was asserted at the hearing by a Congressman born in Chicago that Puerto Ricans have the nationality and citizenship of Puerto Rico, but also have a right to the citizenship of the United States.

The argument that people born in Puerto Rico have dual nationality and/or citizenship is a cruel and exploitative distortion of the law and political realities. Although I am personally involved in a notorious voting rights case in which these nationality and citizenship issues arise, I have decided not to use this Committee's invitation to testify on H.R. 856 to address those issues at this time.

This decision is based on the expectation that the local and/or federal judicial and legislative process will resolve the debate over the nature of U.S. nationality and citizenship in Puerto Rico in due course. However, for the benefit of the Committee I do wish to conclude my statement by including in the record an article regarding the hidden agenda behind US citizenship renunciations by pro-independence followers in Puerto Rico, which I sent to a local newspaper but was never published, and an article on dual nationality in Mexico, which is an interesting case study in experimentation with nationality and citizenship as the most sacred manifestations of the inherent sovereignty of all peoples.

Puerto Ricans in Civic Action



Puertorriqueños en Acción Ciudadana
 Miriam J. Ramirez de Ferrer MD, President

Box 3225, Mayaguez, P.R. 00681
 Tel. & Fax : (787) 834-0726
 mjean@coqui.net

TRUSTING THE PEOPLE IS THE ESSENCE OF DEMOCRACY

It is no coincidence that fringe political factions in Puerto Rico are burning the U.S. flag, renouncing U.S. citizenship, and using scare tactics about having both Spanish and English as official languages. The provocative and inflammatory conduct of these ideological elements is a coordinated reaction to the fact that it is now only a matter of time before the U.S. Congress approves legislation providing for legitimate and informed self determination for Puerto Rico.

There is an anti-democratic strategy behind the actions of those who claim Puerto Rican identity and demand decolonization, while doing everything possible to prevent us, the people, from having an opportunity to express our will regarding status. The status debate in Congress, brought upon by the Young bill has established that true self determination requires that commonwealth be defined as a territory under the sovereignty of Congress, and that the options for decolonization are statehood or independence.

Those who do not trust the people to make the "right choice" do not want Congress to provide a mechanism for a free vote on valid status options. There are some small, but loud, elements in Puerto Rico who do not want real self-determination because they do not accept that people may choose a status other than the one they endorse. For these anti-democratic elements, the "right choice" is a status consistent with their ideology.

Behind their high-sounding talk about democracy, dignity and decolonization, they seek to practice ideological authoritarianism. They would rather remain a colony, than allow the people to have a free choice in a process which they cannot control. While statehooders and many independentistas are prepared to take their case to the people and accept the results, those antidemocratic elements seek to frustrate self-determination until the window of choices, other than theirs, can be closed. Then the people will be forced to accept an outcome engineered by the pro-independence intellectual elite, instead of by a majority vote.

That is why paranoid propaganda to divide our people along cultural and racial lines is being disseminated by these intellectual ideologues, who believe their vision of the future must prevail over any choice the people might make. Some of these "leaders" probably imagine themselves presiding over a Puerto Rico "empire", dictating culture to the masses and serving as diplomats in New York (where their children will attend elite English-speaking private schools at the expense of working people in Puerto Rico, taxed at whatever rate it takes to support the new regime).

That is why some are renouncing U.S. citizenship and seek to vote in violation of laws adopted by the Legislature of Puerto Rico. They have fabricated a legal theory that the people of Puerto Rico do not have U.S. nationality consistent with U.S. and international law, but have a

separate nationality which makes U.S. nationality optional. They call it a "juridical experiment" but it is really a political theater aimed at using the courts to advance their ideological agenda.

They want to have a separate nationality imposed by legalistic trickery and judicial fiat rather than by a vote of the people. This undermines U.S. nationality and citizenship for Puerto Ricans and impresses members of Congress that we are not patriotic Americans, thus leaning them towards independence. Puerto Ricans who find this entertaining may wake up one morning and find that, if these people have their way, our fate will have been decided by the ideological elite minority in the courts, rather than by our votes.

Fortunately, the U.S. Supreme court ruled in 1904 that "... the nationality of the island became American ..." under Article IX of the Treaty of Paris, and that means that the various forms of citizenship defined under the Foraker Act, the Jones Act, the Immigration Act of 1940 and the Immigration and Nationality Act of 1952 have all been forms of colonial citizenship created under the territorial clause. While there have been different forms of territorial citizenship, there has been and can be only one nationality, that of the United States of America.

Those who have renounced citizenship in a U.S. embassy in a foreign country, have renounced to "U.S. nationality", not "U.S. citizenship." As a result, they lose all forms of statutory citizenship that Congress has prescribed under the umbrella of U.S. nationality, including the "citizen of Puerto Rico" status under the Foraker Act and the "U.S. citizen" status under the Jones Act or later statutes. "Citizens of Puerto Rico" status under the Foraker Act was created by Congress under the Treaty of Paris and the territorial clause, and not through the exercise of sovereignty by the people of Puerto Rico in favor of a separate nationality.

We sustain that if these individuals want to end U.S. nationality and create a separate Puerto Rican nationality, they should do so through a self-determination process, by persuading the voters to choose independence. We trust that the courts will ultimately recognize that their method, in the voting law case, is an attempt to abuse the judicial process, to undermine the integrity of the local election law, and to disregard the constitutional process established in Puerto Rico in 1952. These ideological fringe elements will have to learn to trust the people to make a choice in a free and informed status vote, for that is what self determination is all about. After all, trusting the people and accepting their freely expressed will is the essence of democracy.

George Anne Geyer



Mexico's dual nationality policy leads to confusion

MEXICO CITY — The controversial Mexican policy of "dual nationality" started out innocently enough in Chicago. Six years ago, the respected Mexican law professor Alejandro Carrillo Castro was Mexican consul-general in Chicago. While here he began to hear complaints from Mexicans who had been living in America but who were not becoming citizens.

"In Chicago, they told me there was one very important reason why they were not full citizens—and that it was an economic reason," Carrillo said. "There is actually a provision in the Mexican constitution that prohibits non-citizens from owning land. This constitutes an economic reason that is not present in any other country." He found that many Mexicans living in the States still often owned small pieces of land in Mexico that they would lose if they became American citizens.

He came up with the new concept—"dual nationality." The right to dual nationality has already passed the Mexican Congress as an amendment to the constitution, and will go into effect in 1998. While the concept is complicated, in essence it means that alongside their American citizenship, Mexican-Americans can keep their Mexican "nationality" and thus also their rights to their land. But it was clear in the minds of dual nationality's originators that this should pose no confusion whatsoever over the "rights" and "duties" of citizenship, which they define as voting, serving in the army or civil guard, associating for political movements or serving in an electoral post.

In the United States, for instance, one's nationality tends to be synonymous with one's citizenship. Not so in Mexico. Ambassador Angel Gonzalez Felix, legal adviser to the secretary of Foreign Affairs here, explained it to me: "In Mexico in order to be a citizen, you must be a Mexican national." (In short, no foreigners are welcome, even to apply for Mexican citizenship.)

Indeed, men like Carrillo and Gonzalez thought they were being overwhelmingly clear about their intent when they further defined that these "nationality rights" should pass down only through the first generation of Mexican-Americans.

But, just as you think you are beginning to understand all of this, the language seems to change... They begin to stress phrases like "in the beginning" and "in our original thinking." And when asked whether this could mean that Mexican-Americans, with American citizenship, might just be able to vote in Mexico, or even to serve in the Mexican military, the whole scenario changes.

"There was no intention regarding the vote," Gonzalez said. But building on the success of dual nationality, the leftist PRD party (the Party of the Democratic Revolution) has now introduced its own constitutional amendment so that, "in theory, Mexicans could return to vote."

"What if they are American citizens? Could they also vote in Mexico?" I asked. "That has not been decided," he said.

And what about Mexican-Americans—American citizens—serving in the Mexican military? "We have established in the constitution that Mexicans who have another nationality should not be called by Mexico for active duty during a time of peace," he answered. Does that mean American citizens could actually be called to serve in a Mexican army in the future? "Yes."

This is what happens when you start something that sounds good, such as a supposedly limited "dual nationality." Each step away from utter clarity on citizenship carries you further down the road toward eventual national disintegration, or at the very least confusion.

Universal Press Syndicate

Puerto Ricans in Civic Action

Puertorriqueños en Acción Ciudadana
Minam J. Ramirez de Ferrer MD, President

Box 3225, Mayaguez, P.R. 00681
 Tel. & Fax: (787) 834-0726
ajg225@coqui.net

ORAL STATEMENT:

Chairman Young, members of this Committee, I am proud to welcome you to the city of Mayaguez.

During all these years, we have visited Washington many times to tell you about the tangled web of local party status politics, and to explain how failure to solve the status issue has crippled the social and economic development of Puerto Rico. It has been frustrating, because those who want to preserve their political power and profit by preserving the status quo, have had tremendous ability to influence Congress.

Today I am filled with that sense of peace that comes in the struggle for liberty, when the truth is finally revealed. I know the behavior of some in the audience at the hearing in San Juan was not as dignified as it should have been, but the Committee did the right thing by allowing a pro-commonwealth faction to show their true colors.

That political faction in Puerto Rico went beyond cheering for their champions and showed disrespect for witnesses

and the process. However, it was not spontaneous. It was a well orchestrated event meant to disrupt the hearings and reduce the time allotted for questions and other witnesses.

The San Juan Star said in yesterday's edition " When the panel of pro-commonwealth witnesses completed its turn before the panel, dozens of the PDP faithful left. And that brought almost to an end the noise and disruption."

That is why self determination should not be a transaction between Congress and the P. R. political parties. People have consistently voted for a status change in all referendums and against the status quo. The status quo does not have the support of the majority of the people of Puerto Rico. That is why it is imperative that a process for self determination be established. At the end, it will be an individual choice of a US citizen in Puerto Rico, who will exercise the right to self determination in the privacy of a voting booth.

At the San Juan hearing, you heard the bizarre theories of sovereignty and tortured logic of the autonomy doctrine. It is a passive aggressive dogma, that in a militant tone demands recognition of a separate national sovereignty, but claims victimization at the mere suggestion that separate nationality might mean separate citizenship. It is a schizophrenic political identity, which enables the aristocracy of the colonial era to perpetuate its political

power, by pretending that such aristocracy is the champion of Puerto Rican dignity.

The discussion of status under the Young bill has unfolded the truth about the proposals of commonwealth exponents.

Don't take it from me, you heard it yourself.

Their theory is that since all people have inherent sovereignty and this is recognized by the United Nations resolutions and the U.S. Constitution, then Puerto Rico has a form of separate sovereignty.

They take that half-truth and pretend, that the local sovereignty and internal autonomy that Puerto Rico has under the territorial constitution, approved in 1952, is the same as national sovereignty for Puerto Rico.

This makes a mockery of U.S national sovereignty under the treaty of Paris and the territorial clause.

Again they have revealed their false theory to Congress; asserting that local autonomy granted by Congress is a form of national sovereignty that puts Puerto Rico on a plane of bilateral, sovereign-to-sovereign, nation-to-nation level of "mutuality" with the US.

But when they say "mutual consent" they mean that the political relationship of Puerto Rico and the United States is permanent because Congress agreed to a local Constitution in 1952.

According to them, through this, Congress gave up its sovereign power, and consented to make non-incorporation a permanent union and binding status for Puerto Rico, with United States citizenship.

Their theory ignores constitutional supremacy. No matter what PL 600 purported to do, the Constitution's Supremacy Clause prevails.

They also told you that Congress has the power to improve, enhance, develop Puerto Rico but no authority to require Puerto Rico to contribute to the Union. That arrogant demand is what some now are calling "reverse colonialism". According to these political leaders, the United States has national sovereignty only to the extent delegated by the nation of Puerto Rico.

But listen to this, even though the 10th amendment does not apply to Puerto Rico, if Congress exercises its constitutional authority under the territorial clause, they make the childish threat to take you to court.

You also saw the politics of shouting down all who question their opportunistic ideology, imposed on us by the strident, shrill and uncivil pro-commonwealth representatives.

I want to leave you with one thought:

My message is simple. Although the United States Federal government contributed to the problem by going along with the myth, and allowing the colonial situation to be

perpetuated, the United States did not do this to Puerto Rico;

The leadership of the pro-commonwealth party was the driving force in creating this problem, because they do not have the courage to face the real choice between citizenship under United States national sovereignty and separate national sovereignty with separate citizenship.

The real challenge for the people in self-determination, is to take the responsibility for solving our own problem. Commonwealthers have tried for forty years to propose a status which does not exists. Now we need to face the real choices. All we need is for Congress set aside the myth and point out the honest realities.

Please define the options available, and we can do the rest ourselves. The people of Puerto Rico have great faith, that this particular effort will put an end to our divisive status discussion and uncertainty about our future.

Mr. YOUNG. Thank you, Doctor. And for those at the witness table, she was allowed 6 minutes, so I will give you 6 minutes as well.

The Honorable Nestor S. Aponte.

STATEMENT OF THE HONORABLE NESTOR S. APONTE, REPRESENTATIVE, PUERTO RICO HOUSE OF REPRESENTATIVES, SAN JUAN, PUERTO RICO

Mr. APONTE. Mr. Chairman, members of the Committee on Resources, my name is Nestor S. Aponte. I am the Director of the Institute of Political Vocation and Communication of the New Progressive Party and a member of the House of Representatives of Puerto Rico, in my fourth year consecutive term. During the term that ended last December, I occupied the position of House Majority Leader. I am an Army veteran and a lawyer in private practice.

My main concern in attending this hearing is to emphasize the importance of having Congress define clear and precise formulas for any process in which we the people of Puerto Rico have to make our decision on status. It is of utmost importance to have an unmistakable definition for the relationship, political condition or status, presently called commonwealth, or any of the possible variants finally included in the plebiscite H.R. 856 proposes for the solution of our status dilemma.

Since the enactment of the Constitution for the Commonwealth of Puerto Rico in 1952, the advocates of commonwealth have capitalized on the silence of Congress in regard to the term "estado libre asociado" used as a translation for the word commonwealth. They have hidden and forgotten Resolution 22 of the Puerto Rican Constitutional Assembly, approved to determine in Spanish and in English the name of the body politic created by the Constitution, and they have defined the term or phrase "estado libre asociado" in as many ways necessary to fit into the particular circumstance of any time.

They have been able to make our people believe that under a commonwealth we can acquire all the benefits of statehood without the responsibilities and all the possible benefits of independence. They call it "the best of two worlds."

If this elastic type of political status is possible, Congress should state so. But if this elastic type of status is not possible, Congress should also state so. The process you have already begun to solve our status problem must only include viable alternatives if it is intended to be a sincere effort to put an end to our colonial relationship.

Independently of what you may hear from detractors of statehood, in regard to nationality, language differences, Olympic representation and beauty contests, the unquestionable facts are that a very great majority of our people are ready and willing to make the necessary adjustments that will make permanent the points we have developed during our centenarian relationship. We are ready for statehood.

There should be no doubt, with the approval of Public Law 600 in 1950, and the enactment of the Constitution for the Commonwealth in 1952, our political relationship with the United States remained as a territory.

The Congressional Record is clear. It was a break from the practice where Congress exercised local self-government according to organic legislation. The only purpose of that legislation was to authorize the establishment of local self-government, but the fundamental relationship of Puerto Rico to the Federal Government would not be altered.

Section 4 of Public Law 600 reads as follows: "Except as provided in section 5 of this Act, the Act entitled 'An Act to provide a civil government for Puerto Rico, and for other purposes, approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the "Puerto Rican Federal Relations Act"."

The sections of said Act, known as the Jones Act, repealed in section 5 of Public Law 600, are the ones that deal with the organization of the local government, because from there on the organization of the local government was to be determined by the articles of the new constitution. All other sections are in force in the same way as when enacted in 1917.

In 1953, at the conclusion of the process to enact our constitution, the U.S. Government sent a memorandum to the United Nations concerning the cessation of transmission of information under article 73(e) of the Charter with regard to the Commonwealth of Puerto Rico.

Even though the arguments used to describe the scope of the local government are similar to the dispositions of Resolution 22 of the Constitutional Assembly, the advocates of Commonwealth have used said memorandum for the purpose of trying to prove that with the approval of the local constitution we engaged in a new relationship with a new political status.

In summary, if the language used to describe the formulas is not precise and clear, this process may turn into a political campaign as confusing as the ones that we have developed in our locally legislated political status plebiscites.

Thank you.

Mr. YOUNG. Thank you, and thank you for staying within the time. Very well done.

[The prepared statement of Mr. Aponte follows:]

TESTIMONY OF THE
HONORABLE NESTOR S. APONTE
STATE REPRESENTATIVE OF PUERTO RICO
AND
DIRECTOR OF THE INSTITUTE OF POLITICAL
EDUCATION AND COMMUNICATION
OF THE NEW PROGRESSIVE PARTY

before the

HOUSE COMMITTEE ON RESOURCES

April 21, 1997

Mr. Chairman and Members of the Committee on Resources:

My name is Nestor S. Aponte. I am the Director of the Institute of Political Education and Communication of the New Progressive Party and a member of the House of Representatives of Puerto Rico, in my fourth four year consecutive term. During the term that ended last December, I occupied the position of House Majority Leader. I am an Army Veteran and a Lawyer in private practice.

My main concern in attending this hearing is to emphasize the importance of having Congress define clear and precise formulas for any process in which we, the people of Puerto Rico, have to make a decision on status. It is of utmost importance to have an unmistakable definition for the relationship, political condition or status presently called Commonwealth or any of the possible variants, finally included in the plebiscite HR 856 proposes, for the solution of our status dilemma.

Since the enactment of the Constitution for the Commonwealth of Puerto Rico in 1952, the advocates of commonwealth have capitalized on the silence of Congress in regard to the term "estado libre asociado" used as a translation for the word commonwealth. They have hidden Resolution 22 of the Puerto Rican Constitutional Assembly (see exhibit 1), approved to determine in Spanish and in English the name of the body politic created by the constitution. And, they have defined the term or phrase "estado libre asociado" in as many ways necessary to fit into the particular circumstances of any time.

They have been able to make our people believe that under Commonwealth we can acquire all the benefits of statehood without all the responsibilities, and all the possible benefits of independence. They call it "the best of two worlds".

If this elastic type of political status is possible, Congress should state so. But if it is not possible, Congress should also state so. The process you have already begun to solve our status problem must only include viable alternatives, if it is intended to be a sincere effort to put an end to our colonial relationship.

Independently of what you may hear from detractors of statehood in regard to nationality, language differences, olympic representation and beauty contests, the unquestionable facts are that a very great majority of our people are ready and willing to make the necessary adjustments to make permanent the bonds we have developed during our centenarian relationship. We are ready for Statehood.

There should be no doubt, that with the approval of Public Law 600 in 1950, and the enactment of the Constitution for the Commonwealth of Puerto Rico in 1952, our political relationship with the United States remained that of a territory.

The congressional record is clear. It was a break from the practice where Congress exercised local self-government according to organic legislation. The only purpose of the legislation was to authorize the establishment of local self-government, but the fundamental relationship of Puerto Rico to the Federal Government would not be altered.

Section 4 of Public Law 600 reads as follows: "Except as provided in section 5 of this Act, the Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes," approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the "Puerto Rican Federal Relations Act."

The sections of said Act (Jones Act) repealed in section 5 of Law 600 are the ones that deal with the organization of the local government, because from there on, the organization of the local government was to be determined by the articles of the new Constitution. All other sections are in force in the same way as when enacted in 1917.

In 1953, the United States Government sent a memorandum to the United Nations concerning the cessation of transmission of information under article 73 (e) of the Charter with regard to the Commonwealth of Puerto Rico. Even though the arguments used to described the scope of the local self-government are similar to the dispositions of Resolution 22 of the Constitutional Assembly, the advocates of Commonwealth have used said memorandum for the purpose of trying to prove that with the approval of the local Constitution we engaged in a new relationship with a new political status.

In summary, if the language used to describe the formulas is not precise and clear, this process may turn into a political campaign as confusing as the ones that have developed in our locally legislated political status plebiscites.

Thank you.

RESOLUTION 22

(Approved by the Constitutional Convention of Puerto Rico in the plenary session held February 4, 1962)

To determine in Spanish and in English the name of the body politic created by the Constitution of the people of Puerto Rico.

WHEREAS, this constitutional Convention, in accordance with the mandate of the people, is about to adopt the Constitution by virtue of which the Puerto Rican Community will be politically organized;

WHEREAS, it is necessary to give an appropriate name in both English and Spanish to the body politic thus created;

WHEREAS, the word "commonwealth" in contemporary English usage means a politically organized community, that is to say, a state (using the word in the generic sense) in which political power resides ultimately in the people, hence a free state, but one which is at the same time linked to a broader political system in a federal or other type of association and therefore does not have independent and separate existence;

WHEREAS, the single word "commonwealth," as currently used, clearly defines the status of the body politic created under the terms of the compact existing between the people of Puerto Rico and the United States, i.e., that of a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its federal structure;

WHEREAS, there is no single word in the Spanish language exactly equivalent to the English word "commonwealth" and translation of "commonwealth" into Spanish requires a combination of words to express the concepts of state and liberty and association;

WHEREAS, in the case of Puerto Rico the most appropriate translation of "commonwealth" into Spanish is the expression of "estado libre asociado," which however should not be rendered "associated free state" in English inasmuch as the word "state" in ordinary speech in the United States means one of the States of the Union;

THEREFORE, *Be it resolved by the Constituent Assembly of Puerto Rico:*

First: That in Spanish the name of the body politic created by the Constitution which this Convention is adopting for submission to the people of Puerto Rico shall be "Estado Libre Asociado," it being understood that in our case this term is equivalent to and an appropriate translation of the English word "commonwealth."

EXHIBIT 1

Second: That, as a consequence, the body politic created by our Constitution shall be designated "The Commonwealth of Puerto Rico" in English and "El Estado Libre Asociado de Puerto Rico" in Spanish.

Third: That the Committee on Style of this Convention is instructed to use these designations in the respective English and Spanish texts of the Constitution when submitting the documents for third reading.

Fourth: That this resolution shall be published in Spanish and in English as an explanatory and authoritative statement of the meaning of the terms "Commonwealth" and "Estado Libre Asociado" as used in the Constitution, and that it shall be widely distributed, together with the Constitution, for the information of the people of Puerto Rico and the Congress of the United States.

Mr. YOUNG. Oreste Ramos.

STATEMENT OF ORESTE RAMOS

Mr. RAMOS. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Miller, Mr. Romero-Barceló and members of this Committee, my name is Oreste Ramos. I have the privilege of having served the people of San Juan as a Senator for 20 years until 1996, the last four as Chairman of the Committee on the Judiciary. Nonetheless, I want to make clear that today I come as a private citizen interested in this issue.

I would like to begin by congratulating the sponsors of this bill by addressing this complex issue in the most appropriate manner and, of course, in accordance with what was expressed by U.N. Resolution 1541 of the 15th General Assembly.

Some people may ask themselves, why do we need full self-government? Is it one of those technicalities, legal theology, the lawyers love to discuss but which have no impact on real people? In the case of Puerto Rico, as in the case of every other jurisdiction in the world, full self-government means that our people have a say in all decisions that affect their daily lives.

As the aforementioned U.N. resolution indicates, there are only three possible ways as to how you can do that, namely, statehood, independence and free association. All of them are sovereign options.

Do we currently exercise sovereignty in Puerto Rico? A careful perusal of the Congressional Record of Senate Bill 3336 of the 81st Congress would suffice to answer this question in the negative. Every single congressional committee which reported on that bill and its House equivalent reproduced Secretary of the Interior Oscar J. Chapman's statement to the effect that the approval of what later became Public Law 600 would not change Puerto Rico's political status or U.S. sovereignty as acquired over Puerto Rico under the Treaty of Paris.

Thus, absolutely no measure of sovereignty has ever been transferred by Congress to the people of Puerto Rico. This is evidenced by the undeniable fact that the intricate web of Federal regulations, congressional legislation and decisions by the Federal judiciary apply to Puerto Rico, without Puerto Ricans having any say in the selection of the officers who spin the web.

As it was correctly understood by the Court of Appeals of the 11th Circuit decision of *U.S. v. Sanchez* in 1993, Congress did not accord the people of Puerto Rico any measure of sovereignty, not even that recognized by the Constitution to the Navajo reservations.

This is perfectly in line with the U.S. Supreme Court decision in 1980 regarding *Harris v. Rosario*. In short, Puerto Rico is, in 1997, as much of an unincorporated territory under the plenary powers of Congress arising under the territorial clause as it was in 1898 and, thus, devoid of any measure of sovereignty.

Now, in finding 15, page 8, lines 4 to 12, of the bill under consideration today, its 84 sponsors clearly recognize that full self-government for Puerto Rico is obtainable only through the establishment of a political status under which Puerto Rico would cease to be sovereign to the territorial clause as an unincorporated territory.

Throughout these hearings, we have also heard the distinguished members of this Committee state that this process would be one leading to the attainment of sovereignty by Puerto Ricans, either of a separate nature or as members of the U.S. polity.

Thus, in order to comply with the avowed desire of the sponsors of the bill and with U.N. Resolution 1541, you must exclude territorial or colonial formulas from the bill.

We have repeatedly heard proponents of the so-called New Commonwealth formula raise charges of unfairness and allusions to a, quote-unquote, unlevel playing field. These charges will not cease to be raised, but I beseech you to be understanding of the quandary the PDP faces. Keep in mind it was not designed to solve Puerto Rico's status problem. It has to fight very hard to get within its fold different factions, ranging from those who would like closer ties with the U.S. to those who advocate for free association with the maximum degree of sovereignty under such an agreement.

To one of those factions, this bill is Kryptonite, Mr. Chairman.

That is why their definition has so many attributes of free association, while maintaining some of the aspects of our current territorial relationship. It was contrived and concocted as a product for local consumption in Puerto Rico. They know that a lengthy and protracted discussion on how to fit such a formula in this bill could spell doom for the prospects of this measure ever becoming law.

Is there a way to accommodate the advocates of the New Commonwealth as much as feasible without running astray of the Constitution? The possible solution in my view to the adoption of the New Commonwealth definition in this bill was perhaps implied yesterday by former Governor Hernandez-Colon. In an exchange with Mr. Underwood, he mentioned that if the territorial clause could not be construed in an elastic enough manner so as to allow for Puerto Rico's exercise of sovereignty, as called for in the proposed definition, then Congress could act without the constraint of the clause, but still within the Constitution.

Now, there is no way of doing that unless you use the treaty-making power; and that would, of course, entail the transfer of sovereignty which could take place simultaneously with the enactment of that treaty of association.

Mr. YOUNG. Mr. Ramos, how close are you to being finished?

Mr. RAMOS. Thirty seconds, sir. However, we all know that some elements of the definition would still be unconstitutional, while others would simply fall short of being accepted by Congress. For example, after the 1994 amendments to the Nationality Act, there is no way that Puerto Ricans born after Free Association, or New Commonwealth as they call it now, were born, could keep their American citizenship and still be citizens of a separate sovereign nation.

So I think, Mr. Chairman, in summary, that this New Commonwealth—colonial definition of New Commonwealth should be excluded from the bill, and that in order to comply with the avowed desires of the sponsors of this bill, then Free Association, even if we have to use or if you have to include two versions of it, one of it would be the classical one and then another one called New Commonwealth, if that is what you have to resort to in order to comply with your avowed desires and what is stated in the introduction of

this measure, then that is the way to go. But to do anything else would be to complicate matters even further and have to face an ever more complicated issue and problem 15, 20 or 50 years from now.

Thank you, Your Honor.

Mr. YOUNG. Thank you. May I suggest, I don't want it any more complicated than it is, believe me.

[The prepared statement of Mr. Ramos follows:]

Testimony of

Oreste Ramos, Esq.

**before the Committee on Resources
United States House of Representatives**

regarding H.R. 856

April 21, 1997

Chairman Young, Mr. Miller, Mr. Romero-Barceló and members of the Committee on Resources of the United States House of Representatives:

My name is Oreste Ramos. I had the privilege of having served the people of San Juan as District Senator for twenty years until 1996, the last four as Chairman of the Committee on the Judiciary. Throughout that time --and even for some years before that--, I have been very involved with this quest for bringing about a final solution to our perennial status dilemma; be it either at congressional hearings, at the United Nations or Republican Party Conventions. Nonetheless, I want to make clear that today I come as a private citizen interested in this issue.

I would like to begin by congratulating the sponsors of

this bill for addressing this complex issue in the most appropriate manner. You had been right from the very beginning, when you filed H.R. 3024 last year, in understanding that the only solution to our status problem lay in providing the People of Puerto Rico with true alternatives that lead to full self-government; as recognized, not only by U.S. constitutional law but, by international law as expressed in U.N. Resolution 1541 of the XVth General Assembly.

Some people, may ask themselves... why do we need full self-government? Is it one of those technicalities that lawyers love to discuss, but which have no impact on real people? In the case of Puerto Rico --as it is with every other jurisdiction in the World--, full self-government means that our People would have a say in ALL decisions that affect their daily

lives. As the aforementioned U.N. Resolution indicates, there are only three possible ways as to how you can do that; namely: Statehood, Independence and Free Association. All sovereign options.

It is understandable that people should then ask... what does sovereignty entail? Sovereignty is the exercise of full self-government or political authority over all affairs. Do we currently exercise sovereignty in Puerto Rico? A careful perusal of the Congressional Record of Senate Bill 3336 of the 81st Congress would suffice to answer this question in the negative. Every single congressional committee which reported on that bill and its House equivalent, reproduced Secretary of the Interior's Oscar J. Chapman's statement to the effect that the approval of what later became Public Law 600 would not change Puerto Rico's political status, nor U.S.

sovereignty as acquired over Puerto Rico under the Treaty of Paris. Thus, absolutely no measure of sovereignty has ever been transferred by Congress to the People of Puerto Rico. This is evidenced by the undeniable fact that the intricate web of federal regulations, congressional legislation and decisions by the federal judiciary apply to Puerto Rico, without Puerto Ricans having any say in the selection of the federal officers who spin the web.

As it was correctly understood by the Court of Appeals for the 11th Circuit decision of *U.S. v. Sánchez*, 992 F.2d 1143, (1993), Congress did not accord the People of Puerto Rico any measure of sovereignty; not even that recognized by the Constitution to the Navajo reservations. This decision is perfectly in line with the U.S. Supreme Court decision of *Harris v. Rosario*, 446 U.S. 651, (1980). In short, Puerto

Rico is in 1997, as much of an unincorporated territory under the plenary powers of Congress arising from the territorial clause as it was in 1898, thus devoid of any measure of sovereignty.

In Finding No. 15 (p.8, lines 4-12) of the bill under consideration today, its 84 sponsors clearly recognize that full self-government for Puerto Rico is attainable only through establishment of a political status under which Puerto Rico would cease to be subject to the territorial clause as an unincorporated territory. Throughout these hearings we have also heard the distinguished members of this Committee state that this process should be one leading to the attainment of sovereignty by Puerto Ricans, either of a separate nature or as members of the U.S. polity.

Thus, in order to comply with the avowed desire of the sponsors of the bill and with U.N. Resolution 1541, you must exclude territorial or colonial formulas from the ballot.

We have repeatedly heard proponents of the so called New Commonwealth formula, raise charges of unfairness and allusions to "an unlevel playing field". These charges will not cease to be raised. But, I beseech you to be understanding of the quandary the PDP faces. Keep in mind that the PDP was not designed to solve Puerto Rico's political status problem. It has to fight very hard to keep within its fold different factions; ranging from those who would like closer ties with the U.S., to those that advocate for Free Association with the maximum degree of sovereignty under such an agreement. * That is why their definition has so many attributes of Free Association, while maintaining

some of the aspects of our current territorial relationship. It was contrived and concocted as a product for local consumption in Puerto Rico. They know that a lengthy and protracted discussion of how to fit such a formula in this bill could spell doom for the prospects of this measure of ever becoming law. Are you willing to be used as an instrument for purely political purposes by the faction that would do anything to derail this process to further their local electoral interests? Will the tail wag the dog?

Is there a way to accomodate the advocates of New Commonwealth as much as feasible, without running astray of the Constitution? A possible solution to the adoption of the New Commonwealth definition in this bill was perhaps implied by former Governor Hernández-Colón. In an exchange with Mr. Underwood, he mentioned that if the

Territorial Clause could not be construed in an elastic enough manner, so as to allow for Puerto Rico's exercise of sovereignty as called for in their proposed definition, then Congress could act without the constraints of the Clause, but still within the Constitution. The only other way for the United States to accord some elements of the "New Commonwealth" would be to act pursuant to the treaty making power of the Constitution (Article II, Section 2, Clause 2). This process would of course entail several steps after the vote takes place, provided New Commonwealth wins. One of them would necessarily be the ratification by the Senate, subject to the passing of a Joint Resolution through which the Congress would relinquish the sovereignty acquired by the U.S. pursuant to the Treaty of Paris. It could all be done simultaneously; a process similar to that

trough which someone signs a mortgage deed together with acquiring the property in fee simple. Obviously, that would technically fall within the concept known as Free Association, but there is no reason why you could not call it "New Commonwealth" in order to accomodate the PDP.

However, as we all know some elements of the definition would be unconstitutional, while other would simply fall short of being accepted by Congress. For example, after the 1994 amendments to the Nationality Act, it would be very difficult for a person born in Puerto Rico after the granting of separate sovereignty to be simultaneously a citizen of a separately sovereign Puerto Rico and still attain statutory U.S. citizenship; especially in second generation cases. The people should be aware, both of the process and of the

implications, of a vote for New Commonwealth. That, of course, is a responsibility that lies with this Committee in the exercise of drafting the final version of this bill. This final version should eliminate whatever bumps that there may be in the playing field, which are not of the making of the Committee, but of that of the drafters of the definition of the New Commonwealth.

Gentlemen, if you wish to comply with your historic mission of helping Puerto Rico attain full self-government, while providing the means of having the U.S. comply with U.N. Resolution 1541, any colonial or territorial formula should be kept out of this bill. Anything short of that would be not dodging the issue, but allowing for the possibility of that issue to become an even more complicated one, both for

the Congress and for Puerto Rico in the future.

Thank you very much.

Mr. YOUNG. Arturo Guzman.

**STATEMENT OF MR. ARTURO J. GUZMAN, CHAIRMAN, I.D.E.A.
OF PUERTO RICO, INC., SAN JUAN, PUERTO RICO**

Mr. GUZMAN. Good morning, Mr. Chairman. Once again, it is our privilege to welcome you back to the colonies.

For many years and in testimony before different Congressional committees we have stated that a solution to Puerto Rico's status condition and an end to our nation's legacy of colonialism could be only be achieved by an act of mutual self-determination on the part of the Congress of the United States and we the people of Puerto Rico.

H.R. 856 constitutes such an act, and it has our full concurrence, endorsement and support.

We would be remiss if we didn't take this opportunity to also recognize the support for our self-determination expressed by every U.S. president since Harry Truman and of particular value to our society the additional support given the cause of statehood by Presidents Ford, Reagan and Bush, the latter two of which allowed me the privilege of serving through the course of their administrations as an unofficial advisor on matters pertaining to Puerto Rico and other areas of this hemisphere.

As with any process of this nature, there are some areas which may warrant further definition, clarification or consideration which we are covering in detail in our written statement. Due to time limitations, I will just mention the titles of the topics covered, should you wish to direct any questions to them:

Under the option of Commonwealth, the question of immunity from Federal taxation and the costs to the Federal Treasury of the actual condition; under the option of independence, full or Free Association, a need to further outline the political economic models that would ensue; the question of investor guarantees, particularly during the transition period; and the question of continued U.S. citizenship and some loopholes that may exist on the bill as drafted.

On the option of statehood, the question of the General Accounting Office report and our recommendation that it be revised and updated; and then, under general provisions, the matter of voter eligibility as it pertains to the Federal Relations Act and the U.S. Constitution, the matter of voter education; and then, finally, the question of language. It is to this subject that I must allocate the time remaining in my oral presentation.

In this congressional process, the subject of language has made an inappropriate change of venue from the field of education to the field of politics in much the same manner as it has been treated locally or perhaps as a direct result of it.

Allow me to try and set the record straight, for oftentimes the impression has been given that Puerto Ricans are reluctant to learn English or, worse and more demeaning, that we lack the intellectual capacity to learn more than one language, when nothing could be further from historic fact.

Let me state that we oppose English or Spanish only as we oppose any condition that would have the detrimental effect of restricting the potential of human learning and development. Suffice

it to say, Mr. Chairman, that the history of civilization has proven that diversity is the very essence of true culture.

However, I also believe that each and every American citizen has the right to learn the English language; and it is precisely as a result of treating the question of language politically in order to preserve the current colonial condition that this right has been denied the people of Puerto Rico, with the implicit complicity of the Congress and Federal Government of the United States and also at the expense of the American taxpayers, who contribute 80 percent of the funds for public education.

Language, like any other aspect of education, represents empowerment; and empowerment is conducive to emancipation. As I have testified before in other congressional committees, for the vested political and economic interests to allow the Puerto Rican people the equal opportunity to learn English would have resulted in their quest to seek parity in wages and equality in their citizen rights, and that would have meant the demise of the status quo.

Colonial educational systems, Mr. Chairman, are designed for two classes of citizen, the autocrats and administrators that assist in the daily management of the colony, and a second class of peons restricted by the denial of learning the English language to conform to the conditions imposed upon them by the acting regimes, in alliance with the powerful economic interests that prevailed over our lives and destiny until very recently.

We persist that the issue of language should be treated beyond the scope of status and politics, but if others in the Congress and elsewhere demand its inclusion in this process, then let them prove their good intentions by providing equal conditions to all status options that entail U.S. citizenship, regardless of the type of its nature, and that also require Federal funding for their educational systems.

If the true motivation is to correct an injustice and to provide the people of Puerto Rico full bilingual capabilities that would allow them a better life and better opportunity, then we must endorse it. We need not wait for any future status transition or even for the enactment of this legislation, because within the powers vested you by the Territory Clause you possess the means to avoid condemning yet another generation to a life of inequality and mediocrity.

Finally, as a reminder to you and your colleagues in Washington, I conclude with a quotation in the hope that it serves to affirm your determination to conclude this process and put an end to an era of colonialism in this hemisphere: "Do not ask for whom the bell tolls, for the bell tolls for thee."

Thank you, Mr. Chairman and Committee members.

Mr. YOUNG. Thank you, Arturo.

[The prepared statement of Mr. Guzman follows:]

WRITTEN STATEMENT

OF MR. ARTURO J. GUZMAN
CHAIRMAN OF THE INSTITUTE FOR THE DEVELOPMENT, EQUALITY AND
ADVANCEMENT OF PUERTO RICO (I.D.E.A. OF PUERTO RICO, INC.)

ON H.R. 856

SUBMITTED FOR INCLUSION AS TESTIMONY FOR THE RECORD TO:
THE HOUSE NATURAL RESOURCES COMMITTEE DURING HEARINGS HELD
IN MAYAGUEZ, PUERTO RICO

ON APRIL 21, 1997

The Institute for the Development Advancement, and Equality of Puerto Rico (**I.D.E.A. of Puerto Rico, Inc.**) is a civic non-profit corporation; a "think-tank" not affiliated to local or national political parties, which is integrated by private sector individuals with outstanding professional and academic records, who identify, research, and develop informational positions on Congressional issues pertaining to Puerto Rico.

.2

MR. CHAIRMAN:

I request your consent in including this statement in the permanent record of these Hearings and cross-referenced with our previous testimony as listed in the Index of this document.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

For many years, and in testimony before different Congressional Committees we have stated that a solution to Puerto Rico's status condition, and an end to our Nation's legacy of colonialism, could only be achieved by an act of mutual self-determination on the part of the Congress of the United States and WE THE PEOPLE of Puerto Rico.

H.R. 856 constitutes such an act and it has our full concurrence, endorsement, and support.

As with any process of this nature, there are some areas which may warrant further definition, clarification, or consideration which we would like to bring to your attention as follows:

A. COMMONWEALTH (Estado Libre Asociado):

1. Federal Taxation : The bill requires that if none of the other proposed status options receives a majority vote, the current condition will remain in force until further periodic consultations are held in order to attain a final and permanent political status for Puerto Rico. Under such circumstances, the question of exemption from the payment of individual and corporate income taxes must be further clarified. Proponents of the "status-quo" have consistently represented to the people of Puerto Rico that under the current condition there exists a permanent exemption from such obligations.

Thus, if it is the intention of the Congress to state that such exemption is to remain on a permanent and guaranteed basis, it should be included as an integral part of the definition of Commonwealth that appears on the legislation. If, however, the Congress is unwilling or unable to provide such prospective guarantees, that fact should also be noted in order to prevent the people from been misled into voting for this option as a means to avoid federal tax obligations.

.3

2. Costs to the Federal Treasury: On a related subject, we recommend that a report be requested from the General Accounting Office which includes an updated and accurate portrayal of the costs represented to the Federal Treasury by the current status. A historic economic comparison should be made from inception in order to ascertain and establish a profile that would assist in determining if such costs have been incremental. Also, projections should be prepared that could indicate the prospective fiscal effects that would ensue by maintaining the current arrangements.

In addition, consideration should be given not in the political but the economic perspective, to determine if the current relationship remains in the best interest of the American taxpayer, if it fits within the concept of "shared burden" and within the scope of realities brought forth by national budgetary considerations, and if so, for what prospective length of time can it remain unaltered.

B. INDEPENDENCE (Full or in Free Association with the United States):

1. Political-Economic Models: The bill should incorporate a more specific definition of the political and economic models that would be implemented if either of these options were to prevail in order for the voters to be guaranteed that they would know exactly which model of independence they are selecting. As an example, it is our opinion that many more voters would be attracted to vote for these options if their definition would state that (at least at their inception) they would adopt a republican political system with a capitalist economic model than for example, voters would be attracted to vote for a model of independence that would include a Marxist political system and a socialist economic model.

2. Investor Guarantees: Because of the historic relationship that has existed between the United States and Puerto Rico the local economy has largely been underwritten by mainland institutions and regulated by federal law. Thus, for example, most mortgages are sold in U.S. secondary markets and as such the need to assure stateside investors becomes fundamental in order to prevent an economic paralysis if confronted even by the potential of a radical change of status to either model of independence.

While we are confident that these aspects can be successfully negotiated during a transition period, and should be addressed at that point, we recommend that a minimal determination be made at this time, in order to ascertain whether the new independent body-politic is to be expected to provide such guarantees or if the federal government will remain with the responsibility, and for how long a period.

.4

3. Continued U.S. Citizenship: The bill makes provision that would allow the current Puerto Rican statutory citizens of the U.S. to choose to retain their citizenship while residing in the new independent body-politic of Puerto Rico. It appears that it is the intention of the Congress to determine that those born thereafter, would not be eligible for continued statutory citizenship.

However, the current language of the bill appears to be vague enough to have given rise to public speculation by advocates of these options to claim that it leaves "loopholes" which may defeat its intended purposes. For example, current federal law is often cited as proof that those who would choose to retain their U.S. statutory citizenship could still pass it on to future generations born here by exercising the right of other U.S. citizens in inscribing their children as Americans at any U.S. consulate or embassy. Furthermore, others claim that since the right to travel stateside would be unrestricted, women about to give birth could travel to any state of the Union and the born child would automatically acquire U.S. citizenship.

If the bill in its current form indeed allows for such possibilities we recommend that the Congress determine whether or not the United States would be willing to accept the responsibilities and liabilities that it would ensue by such allowances, or if not, to amend the bill's dispositions so that the matter becomes clear enough to allow those voters that would want future generations to retain U.S. citizenship the proper choices.

In addition, we recommend that the issue of Puerto Rican statutory citizens that reside in any state of the Union be addressed separately so that those wishing to remain residing in the United States are allowed for a different mechanism to perpetuate prospectively their U.S. citizenship. Perhaps, the Congress may want to consider developing a mechanism by which these statutory citizens, having proven a pre-determined minimum period of previous residency in the United States, can go through a process of "automatic naturalization" and thus make a transition from a statutory citizenship to a permanent "14th Amendment-guaranteed" citizenship.

C. STATEHOOD:

1. General Accounting Office Report: During the 104th Congress and in reference to H.R. 3024, the General Accounting Office produced a partial economic report estimating the potential costs of the statehood option to the Federal Treasury based upon individual contributions only, but apparently not taking into consideration other sources of potential revenue such as individual business and corporate taxes, and not considering to offset these costs with revenues that have already begun to accrue as a result of the phase-out of Section 936 of the Internal Revenue Code. It is our recommendation that the G.A.O. be requested to revise this report taking the aforementioned facts into consideration as well as any others which may have been omitted.

.5

D. GENERAL PROVISIONS:**1. Voter Eligibility:**

a) The Federal Relations Act: A review of testimony on the bill reveals that some have advocated that people who were born in Puerto Rico, and in some cases their immediate descendants, be allowed the right to vote in the proposed plebiscite regardless of place of residence by waving the residency requirement of the local electoral law or by seeking approval from the Congress.

The Federal Relations Act, which regulates the relationship between the United States and the territory of Puerto Rico states solely for the purposes of establishing legal residency: Article 5a, (new article inserted by law of the Congress on March 4, 1927, 44 Est. 1418) **"All citizens of the United States who have resided, or successively are to reside in the island for a year, will be citizens of Puerto Rico."**

Thus it becomes clear that acceding to such a vote, in terms of the Federal Relation Act, would be juridically equivalent (regardless of place of birth) to allowing "non Puerto Ricans" participation in the internal affairs of Puerto Rico.

b) The U.S. Constitution: The national constitution expressly forbids to discriminate (against or in favor of) any citizen by reason, among others, of "place of birth". The legal argument can be made that if the residency requirement is waved and voting in the local plebiscite is allowed to a group of U.S. citizens based upon their place of birth, this action would be discriminatory to other U.S. citizens who do not meet the residency requirement either. Therefore, it is legally conceivable that if the residency requirement is waved for some citizens of the U.S., based upon anti-discriminatory practice, the same provision would have to be applied to all citizens, thus turning this exercise unto a national plebiscite which we understand is not the intention of the Congress nor conforms to international criteria for decolonization.

2. Voter Education:

Based upon past plebiscite experience, more than ever a requirement exist for the creation of a source that can clarify the definitions and provisions of the bill in an impartial manner in order to prevent rampant disinformation and outright lies from affecting the will of the people and their right to self-determination.

Such a source can serve as an official Congressional educational tool that would provide the information that is given to the people, and also serve as an arbiter that can determine which conflicting interpretations of the bill or its provisions is correct.

.6

It is our recommendation that the Congress, as part of this bill's provisions, considers implementing such an informational source which can be integrated by a panel of its own members, or Congressional appointees that would serve in that capacity and given access to other impartial resources such as the Congressional Research Service, The General Accounting Office, and other dependencies of the federal government such as the U.S. Justice Dept., etc. If approved, operational funding may be available through allocation of tax resources such as rebates etc.

3. Language:

In this Congressional process the subject of language has made an inappropriate change of venue from the field of education to the field of politics in much the same manner as it has been treated locally, or perhaps as a direct result of it. It is to this subject that I must allocate most of my oral presentation.

Allow me to try and set the record straight, for often time the impression has been given that Puerto Ricans are reluctant to learn English, or worse and more demeaning, that we lack the intellectual capacity to learn more than one language when nothing could be further from historic facts. Let me state that we oppose "English" or Spanish Only" as we oppose any condition that would have the detrimental effect of restricting the potential of human learning and development. Suffice it to state that the history of civilization has proven that **diversity is the very essence of true culture.**

However, I also believe that each and every American citizen has the right to learn the English language. It is precisely as a result of treating the question of language politically, in order to preserve the current colonial condition, that this right has been denied the people of Puerto Rico with the implicit complicity of the Congress and federal government of the United States often also at the expense of the American taxpayers who contribute over 80% of the funds for public education.

Language, like any other aspect of education, represents empowerment and empowerment is conducive to emancipation. As I've testified before other Congressional committees in the past, for the vested political and economic interests to allow the Puerto Rican people the equal opportunity to learn English would have resulted in their quest to seek parity in their wages and equality in their citizen rights, and that would have meant the demise of the "status-quo".

Colonial educational systems are designed for two classes of citizens, the autocrats and administrators that assist in the daily management of the colony, and a second class of peons restricted by the denial of learning the English language to conform to the conditions imposed upon them by the acting regimes in alliance with the powerful economic interests that prevailed over our lives and destiny until very recently.

.7

We persist that the issue of language should be treated beyond the scope of status politics, but if others in the Congress and elsewhere demand its inclusion in this process, then let them prove their good intentions by providing equal conditions to all status options that entail U.S. citizenship (regardless of the type of its nature), and that also require federal funding for their educational systems.

If the true motivation is to correct an injustice, and to provide the people of Puerto Rico full bi-lingual capabilities that would allow them a better life through better opportunity, then we must endorse it. We need not wait for any future status transition, or even for the enactment of this legislation for within the powers vested you by the "Territory Clause" of our Constitution you possess the means to avoid condemning yet another generation to a life of inequality and mediocrity.

Finally, as a reminder to you and to your colleagues in the Congress, I conclude with a quotation in the hope that it serves to affirm your determination to conclude this process and put an end to the era of colonialism in this Hemisphere: **"Do not ask for whom the bell tolls, for the bells toll for thee."**

INDEX OF CONGRESSIONAL TESTIMONY

A. U.S. HOUSE OF REPRESENTATIVES

1. Native American and Insular Affairs and Western Hemisphere Subcommittees, Joint Hearings, Washington, D.C., October 17, 1995.

2. House Interior and Insular Affairs and Insular and International Affairs Subcommittees, Washington D.C. or San Juan Puerto Rico, May 22, 1986; July 17, 1986; March 9, 1990; July 13, 1993; and May 24, 1994.

B. U.S. SENATE

1. Energy and Natural Resources Committee, San Juan, Puerto Rico, June 17, 1989.

Mr. YOUNG. Ms. Robles.

**STATEMENT OF MS. BELEN B. ROBLES, NATIONAL PRESIDENT,
LEAGUE OF UNITED LATIN AMERICAN CITIZENS, EL PASO,
TEXAS**

Ms. ROBLES. Thank you, Mr. Chairman and distinguished members of this Committee.

My name is Belen Robles, and I am the President of the League of United Latin American Citizens, the oldest and largest community-based organization in the United States to include Puerto Rico. LULAC was founded in 1929 in the State of Texas and has more than 115,000 members in organizing councils throughout the United States and Puerto Rico.

From its inception, LULAC has been one of the principal civil rights organizations fighting to ensure Hispanics participate fully in the American society.

Puerto Ricans have been American citizens since 1917 by decision of the U.S. Congress. Our Nation presents itself to the world as a democratic example, and so it should act accordingly. Our first request before you is that you grant Puerto Ricans their civil right to choose freely their political status through a vote.

LULAC looks at this issue as one of civil rights and citizenship. The political alternatives discussed will have a tremendous impact on the Hispanic community both here and on the mainland. Therefore, it is of utmost importance that Congress seriously consider our position as the largest and oldest Hispanic organization in the United States.

Should the proponents of independence win the majority of votes, they request that Puerto Ricans no longer be U.S. citizens but that they will have free access to the United States because of the 100 years that Puerto Ricans have had access to our country. They also contend that European countries have agreed to allow free access for certain countries as an example of their position.

While taking into consideration this modality, Congress should pay attention to the following: Congress did not grant free access rights to the Philippines when they received their independence. Congress should consider, nonetheless, the Philippines' right to free access if the Puerto Rican independence petition is approved.

It is important to remember that 25 years before the Mayflower set sail from England, Don Juan de Onate, with 40 other men, arrived in what is today New Mexico via what today is the city of El Paso, Texas, the city where I reside.

Don Bernardo de Galvez, Spanish Governor of the Louisiana Territory, cleaned the south part of the United States of English fortresses with Mexican, Puerto Rican, Cuban and Dominican soldiers.

Therefore, if Congress decides to accept this petition of free access for citizens of a future Puerto Rican Republic, it has to consider what to do with Mexicans who want to gain free access to the United States, their former homeland.

LULAC is not against this petition from the Puerto Rican Independence Party, but we request equality for all Hispanics in Latin America, especially Mexicans.

The proponents of the Commonwealth of Puerto Rico request to continue being American citizens without, however, being part of the United States. They demand an association through a pact between both countries, while retaining their citizenship.

Thus, Congress should consider in this case the type of citizenship that should exist in the United States. The American citizenship requested in this case is an incomplete one, like the one currently owned by Puerto Ricans residing in the island.

How can the United States explain that we are the champions of democracy when 3.8 million citizens cannot vote for their President? How can the United States explain that its Congress decrees and laws apply to citizens who have no representation? How can the United States explain to the world that part of their soldiers who are enlisted in its military do not have the civil rights to elect the President that could send them to war?

LULAC does not oppose maintaining a second-class citizenship, if that is the wish of this Congress. However, we strongly feel that you need to fully inform Puerto Ricans of the limitation of this form of citizenship so they know what they will be voting for.

The statehood supporters propose that Puerto Rico be a State of the Union with Puerto Ricans having the same rights and responsibilities as citizens residing within the 50 States.

This is a demand for equality. Should this request be granted, it would be a big boost for Hispanic representation in the U.S. Congress, with the addition of six Congressmen and/or women and two Senators residing from the island.

This civil right to equality, should it be granted, must be granted completely.

Some Congressmen have stated their intention of requiring a majority vote in favor of statehood in order for it to be granted. Other Congressmen demand that English be the official language of the island. These two requirements, or any other ones, are not suitable.

The rights of American citizens must be the same and equal in all the States of the Union and in Puerto Rico. To demand a vast majority of the votes is to infringe the concept which is the cornerstone of democracy, and that is the vote must be equal for all.

A vast majority of the votes means that a vote for statehood has less weight than a vote for independence or Commonwealth status. This is not democratic.

In regard to the issue of English as the official language, we need to say that the right to choose the language is naturally reserved to the American citizens; and LULAC is on record of supporting English-plus—English plus Spanish plus any other language that the person is capable of learning.

In summary, Mr. Chairman and distinguished members of this Committee, the League of United Latin American Citizens strongly urges the U.S. Congress to pass the United States-Puerto Rico Political Status Act that would allow the people of Puerto Rico the opportunity to express their preferred relationship with the United States. We request that you honor the civil rights of the residents of Puerto Rico and allow them to choose freely their political status through a vote.

It is important that the Congress make clear to the people of Puerto Rico the true nature of statehood, independence and Com-

monwealth alternatives that are before them. We are opposed to requiring a vast majority of the vote cast to be for statehood in order to grant that option. We are also opposed to requiring English to be the official language of Puerto Rico.

I thank you.

Mr. YOUNG. Thank you very much.

[The prepared statement of Ms. Robles follows:]

Testimony of Belen Robles

President of the League of United Latin American Citizens

Ladies and Gentlemen of the Congress of the United States, my name is Belen Robles, President of the League of United Latin American Citizens (LULAC), the oldest and largest community-based Hispanic organization in the United States.

LULAC was founded in 1929 in the state of Texas and has more than 115,000 members in all states and in Puerto Rico organized in councils.

From its inception, LULAC has been one of the principle civil rights organizations fighting to ensure Hispanics participate fully in American society. Some of LULAC's most important accomplishments include winning the right for Hispanics to serve on juries, integration of Hispanic students in the public schools in California, and the creation of the "Little Schools of the 400" the precursor to today's Headstart Program.

Puerto Rico is the second jurisdiction, after Texas, with the largest number of members in LULAC. We are here today to continue our fight for civil rights for Hispanics: in this case, the civil rights of the residents of Puerto Rico.

For six consecutive years, LULAC's National delegates, at its annual convention, have unanimously expressed there endorsement of Puerto Rico's status petition to the Congress and the United States to allow the residents of Puerto Rico to exercise their free choice regarding the political status of their island. This is a civil right of American citizens residing in Puerto Rico which has been historically denied to them.

Puerto Ricans have been American citizens since 1917 by decision of the United States Congress. Our Nation presents itself to the world as a democratic example and so, it should act accordingly. Our first request before you, ladies and gentlemen of the Congress, is that you grant Puerto Ricans their civil right to choose freely their political status through a vote.

LULAC looks at this issue as one of civil rights and citizenship. The political alternatives discussed will have a tremendous impact on the Hispanic community both here and on the mainland. Therefore, it is of utmost importance that Congress be seriously consider our position as the largest and oldest Hispanic organization in the United States.

The proponents of independence for Puerto Rico request that, should they win the majority of votes, Puerto Ricans would no longer be citizens but that they be allowed free access to the United States as an acknowledgment to the one hundred (100) years they have been allowed to. They also contend that European countries have agreed free access for them as an example of their position.

While taking into consideration this modality, Congress should pay attention to the following:

- (1) Congress did not grant free access rights to the Philippines when they received their independence. Congress should consider, nonetheless, the Philippines right to free access if the Puerto Ricans independence petition is approved.
- (2) It is important to remember that twenty five (25) years before the Mayflower set sail from England, Don Juan de Oñate with 40 other men, arrived at what is today New Mexico via what is today the city of El Paso, Texas. Before Oñate, the Spaniards

discovered two thirds (2/3) of the modern United States, decades before the pilgrims arrived at Plymouth. Hispanics explored the Pacific Coast from California to Alaska and the Atlantic Coast, from the Gulf of Mexico to Labrador. Juan Ponce de León discovered the state of Florida; Hernando de Soto explored Florida, Georgia, South Carolina, Alabama, Mississippi and Oklahoma, and discovered the Mississippi River; Coronado explored Arizona, New Mexico, Texas, Oklahoma, Kansas, and was the first European to view the Grand Canyon. In the War of Independence, Don Bernardo de Galvez, Spanish Governor of the Louisiana territory, cleaned the south part of the United States of the English fortresses with Mexican, Puerto Rican, Cuban, and Dominican soldiers.

During the Civil War, the Spaniard David Farragut became the first four star officer in the history of the U.S. Navy. Therefore, if Congress decides to accept this petition of free access for the citizens of a future Puerto Rican Republic, it has to consider what to do with the Mexicans who want to gain free access to the United States, to their homeland. The land that was discovered and explored by them and that they are now denied the opportunity to access freely.

- (3) Congress also has to consider what to do with the Cubans and the Central and South American citizens who want to gain free access into our nation.

LULAC is not against this petition from the Puerto Rican Independence Party, but we request equality for all Hispanics in Latin America, especially the Mexicans.

The proponents of the Commonwealth of Puerto Rico request to continue being American citizens, without, however, being part of the United States. They demand an association through a pact between both countries (United States and Puerto Rico), while retaining the citizenship.

Thus, Congress should consider in this case the types of citizenship that should exist in the United States.

The American citizenship requested in this case is an incomplete one, like the one currently owned by Puerto Ricans residing in the island.

How can the United States explain that we are the champions of democracy when 3.8 million citizens cannot vote for their President?

How can the United States explain that its Congress decrees laws applied to citizens who have no representation.

How can the United States explain to the world that part of their soldiers who are enlisted in its military do not have the civil right to elect the President that could send them to war.

LULAC does not oppose maintaining a second class citizenship if that is the wish of this Congress, however, we strongly feel that you need to fully inform Puerto Ricans of the limitations of this form of citizenship so they know what they will be voting for.

The statehood supporters propose that Puerto Rico be a state of the union with Puerto Ricans having the same rights and responsibilities as citizens residing in the fifty states.

This is a demand for equality. Should this request be granted it would be a big boost for Hispanic representation in the United States Congress with the addition of six Congressman and two senators residing from the island.

This civil right to equality, should it be granted, must be granted completely.

Some Congressman have stated their intention of requiring the majority of votes in order to grant statehood. Other Congressman demand that English be the official language of the island. These two requirements or any other ones are not suitable.

The rights of American citizens must be the same and equal in all the states of the Union and in Puerto Rico.

To demand a vast majority of the votes is to infringe the concept which is the cornerstone of Democracy; that is, "the vote must be equal for all".

A vast majority of the votes means that a vote for statehood has less weight than a vote for independence or commonwealth status. This is not democratic.

In regard to the issue of English as the official language, we need to say that the right to choose the language is a natural right reserved to the American citizens and to the states, not to the Congress or the Federal Government. The American citizens have not delegated the aforementioned right to Congress and, thus, it is up to Puerto Ricans to address this issue. The best example of my position is the resolution taken by twenty three states, through referendum and not through laws published by the Congress, to adopt English as their official language.

The League of United Latin American Citizens (LULAC) respectfully submit before this Honorable Congressional Commission this statement and request that this time the civil rights of American citizens residing in Puerto Rico, to self determine their political status, be respected and that the Congress and the President of the United States respect and implement their choice and determination of political status.

Mr. YOUNG. I want to thank the panel for their excellent presentation.

If I can ask a couple of questions, what I hear from this panel is that you want definite definitions in the legislation. Is that correct? Everybody agrees with that?

Ms. FERRER. Yes, Mr. Chairman. Because we feel that if the people of Puerto Rico do not understand what the United States is capable or willing to accept under each of the options, it might be misleading during the actual plebiscite process in Puerto Rico.

Mr. YOUNG. That is the what your position is, too? You don't want to confuse it any more. If we don't make it very black and white—

Mr. RAMOS. That is precisely my point, Mr. Chairman. We have heard some people come here before this Committee and refer to an unlevel playing field. Now, the bumps in the playing field are the result of a contorted and distorted and hodgepodge definition which has been put together by some people who simply wish to keep the different factions of the party together.

It isn't the fault of the Committee. It is the result of that definition. So we need the Committee to clarify those definitions so the people will know what they are voting for.

Mr. YOUNG. Ms. Robles, your organization, have you attempted to promote this legislation?

One of our problems as a Committee, and we are doing this basically on our own, we need to get a more national attention to this issue. Has your organization tried to promote this nationwide?

Ms. ROBLES. We definitely have, Your Honor.

Mr. YOUNG. Don't call me Your Honor. That is twice I have been called Your Honor today. That worries the daylights out of me, believe me.

Ms. ROBLES. Mr. Chairman, we have. As a matter of fact, we have gone on record as a result of a unanimous mandate of our assembly. We communicated to all the Members of Congress our position on this. We will be glad to reiterate it again and to advocate this particular position to Congress.

Mr. YOUNG. Just on the language issue, this is an issue that is very dear to my heart. I was so impressed today. I was flying down with the National Guard, and I wanted to congratulate them. Puerto Rico ought to be very proud of their National Guard. They were professionals. But it made me feel good that I was informed by your Resident Commissioner that they play such an important role in the hurricanes in other parts of the Caribbean because there was an ability to speak Spanish and English.

That will be up to the discretion of the Puerto Rican people. There probably will be an amendment offered, I will tell you that; and we are going to do everything in our possible power to make sure that that amendment is not adopted, as I think it would kill the legislation. It is the wrong thing to do. That is a decision that the people of Puerto Rico will make.

Later on down the line, if Congress was to adopt something like that, again, the people of Puerto Rico would have the decision within whatever decision they make as to what they will speak.

I want to thank each one of you. There are probably other questions.

Miriam, I wanted to thank you for being here, because you have been bugging me for the last 7 years, you and Arturo both, and I appreciate that.

For those that may have opposite views of the people at this table, the one thing you will find out about this Committee, we are very open-doored and we try to listen.

I wanted to congratulate the audience. We very frankly look forward to hearing the rest of the testimony.

I am going to do as I did Saturday. I am going to transfer the gavel. One reason I am going to do it is this chair is very uncomfortable. I think my staff is trying to kill me, and I am going to move the chair and transfer.

Mr. Miller, do you have questions?

Mr. MILLER. Thank you, Mr. Chairman.

Thank you to the witnesses for their testimony. I have a comment, and then I have also a technical question on the bill.

My comment is that there seems to be a substantial effort here to somehow demonize or to suggest that the proposal that was in response to the letter from Chairman Young and myself to the leaders of the parties, the proposal for the New Commonwealth definition, somehow is so outrageous and far outside the norm. But the fact of the matter is, when you look at it and look at the key words in it, there is a lot of precedence and other relationships in the United States; and there is constitutional precedence for these actions.

The Congress can agree to a very wide range. Whether or not we would or whether or not that would be acceptable to the people of Puerto Rico is two different considerations. But clearly we, historically, some of which we are proud of and some not so proud of, we can agree to a wide range of relationships with peoples and territories.

And we also can grant a wide range of privileges. The State of California likes to engage in commercial transactions, and sometimes the Federal Government tells us we can't, and sometimes the Federal Government says that is fine.

Puerto Rico has sought to engage in various activities in the Caribbean and elsewhere, and the Federal Government said fine in some instances and in other instance said you are trampling on the sovereign powers of the United States or our ability to conduct foreign relations under the Constitution.

All I am saying is that it is not—that definition is not as clear as statehood, it is not as clear as free association and obviously seeks to be a hybrid. But to suggest that somehow the Congress cannot accept a hybrid relationship is, I think, to mischaracterize that definition. Whether, again, that would be wise, whether the Congress would do it, whether the people of Puerto Rico will accept it, that is what this process is about. The Congress will work its will when we start writing the definitions on all of these issues.

There is some suggestions from this panel. Mr. Guzman has made suggestions with almost each and every definition. So I would hope we understand the process we go through here, and I appreciate the political advantage.

I am a very partisan Member of Congress. I appreciate looking for—I didn't have to tell my Chairman that—but I want to make

sure that we not so politicize the process at the outset that it, in fact, can kill the process. That can happen. That can happen, that this process can sink as a result of politics; and at the other hearing I made somewhat the same admonishment, because I am concerned about that.

This is a very fragile process. Chairman Young is engaging in an effort here that very few have been able to succeed in getting through, and I would hope that people would understand.

Finally, and my time is short, the legislation requires if this is not resolved and the current status continues it can require there be an additional referendum essentially every 4 years.

Again, it is a rather well-established historical precedent that one Congress cannot bind another. My concern has been with the overall time lines within this legislation. I think it is very important that both Members of Congress understand that there are consequences to the decision that they make and the people of Puerto Rico understand there is a serious consequence to the decision they make and to being brought into union and we decide this matter. The longer that is, the easier it is for Members of Congress to maybe vote or not vote and not worry about the consequences, because it may happen 10 years later, and people come and go in our Congress.

By the same token, if the suggestion is you can get a new bite of the apple every 4 years, I suggest it diminishes the importance of what—if Chairman Young is successful and all those involved in this process are successful, it diminishes the importance of that process because we can do it again if it doesn't work out.

This is an important decision about the status, after all of this history, to move to the future and say this is going to be the status in the future. And I wonder if you would, just quickly because I have used up most of my time with the question, but is that really essential to this legislation, that we would have this ongoing referendum every 4 years sort of binding the future governments of Puerto Rico and clearly cannot bind the Congress as to the outcomes of that?

If anyone wants to make a comment to that.

Ms. RAMIREZ DE FERRER. Yes, sir, let me make a few comments and then allow our attorney—

Mr. MILLER. However you want to, the time is running.

Ms. RAMIREZ DE FERRER. Once you have a Commonwealth, you have to consult the people again. You cannot finalize a status question if you have Commonwealth, as United States, we believe is going to define it there. That is in my written testimony, and I oppose that.

Mr. COSTAS. With due respect, Mr. Miller, the problem with your point of view, although it sounds reasonable, it flies against decisions in the past proceedings in the status bills. Every one of your points that you made and are now being put out in an ELA flier for a rally Saturday to you has been rejected.

For example, this, removing Puerto Rico from the territorial clause, if you look at the testimony of Secretary of Justice Dick Thornburg—

Mr. MILLER. Let me say, we spend a lot of time in this argument fighting the past wars. We fight the 1993 referendum, we fight the

old issues. This is about now, what this Congress will and will not do.

Mr. COSTAS. Why repeat the things that have already decided against us? Studies are there——

Mr. MILLER. For the very reasons we told you before. One Congress cannot bind another. It is a different Senate and Congress, and if people want to make those proposals——

Mr. COSTAS. It is the same Constitution. It hasn't changed.

Mr. MILLER. Let us not pretend that each finding of the Congress is constitutional.

Mr. COSTAS. No, these are legal decisions——

Mr. MILLER. I understand that.

Mr. COSTAS. [continuing] that have been invariable for the past 40 years, almost.

Mr. MILLER. What I am suggesting is, at the outset of the process, people have the right to submit that to the process; and the whole purpose of this is for the Congress to work its will based upon what the Congress could agree to accept and what we believe, if offered to the people of Puerto Rico, we can make a rational choice for.

Mr. COSTAS. If you look at the letter written by Chairman Young to the Honorable William Jefferson Clinton, December 11th, 1996, it is precisely this fuzzy language that got Huang into trouble. Surely you don't want to repeat that.

Mr. YOUNG. I am going to allow Arturo to comment, and then I think the gentleman's time has expired.

Mr. GUZMAN. Thank you, Mr. Chairman.

Mr. Miller, if I may, may I ask you a question?

Mr. MILLER. If I could get an answer to my question about 4 years, first.

Mr. GUZMAN. The 4 years, I think language was developed by the Resident Commissioner to have it as a maximum in repeating this exercise over again in 4 to 8 years. You not only have to think about our own destiny, but you also have to think about the constituents in your district and how long will they be willing to shore up with their taxes this present condition. Are you going to condemn your district taxpayers to shoring up for this current Commonwealth forever?

Mr. MILLER. That is just your political rhetoric. That is not the way the question suggested. I mean, you are welcome to it.

Mr. YOUNG. All right. The gentleman's time has expired. I think we will be able to address this issue as time goes by.

The gentleman from Guam.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I was hoping we would keep Guam out of this discussion.

Mr. YOUNG. I am setting a hearing for you in June so you don't want to keep it out of the discussion.

Mr. UNDERWOOD. Here is the feeling I have, and it is the same point I raised before. The issues that are discussed here in terms of political status openings are phrased as formulas; and it tends to imply that as a political status formula, one way or another, you can rationally read into it whether the formula adds up or does not add up. In reality, what we are talking about, at least in terms of the way that we are describing these political status options is real-

ly a series of political aspirations; and I am willing to make a distinction between a legal explanation and a political program.

What I am a little—I don't know whether the word is amused, but bemused is I guess a better word—is that in the process of discussion about what is exactly the appropriate formula for this, we are getting—at least I have certainly gotten—the impression that the pro-Commonwealth people have somehow misled the entire people of Puerto Rico on this issue.

For an electorate that seems to be highly sensitive to this issue and an admission, at least on the part of the Commonwealthers at the hearing on Saturday, that what we are putting forward is a series of aspirations that is subject to a political process which their aspirations may indeed fail, may not come to fruition, and I think that was clarified in the course of the hearing on Saturday. It seems that all the attention that is given to the definition seems like someone is trying to get a political advantage over another.

Now, the status, the electoral process itself, will account for that. And I didn't mean it as a kind of a cynical remark, but on Saturday I said we will leave it up to elected officials and politicals to mischaracterize each other's position in the course of an electoral campaign, and I think we should do that. I don't think we should do this in the context of this legislation.

But it seems to me—am I being led to believe that in the course of discussion on this whole issue of political status of Puerto Rico—that Congress, one, is somehow complicit in contributing to this misunderstanding; and, second, are the people of Puerto Rico so naive that they don't understand this after discussing this issue for a long time? Is someone willing to say here that the people of Puerto Rico don't understand these options?

Mr. APONTE. If I may comment, Mr. Underwood, what I would say is this. As long as the bill offers the problem as an answer, as a solution to the problem itself, then the Congress would be contributing to perpetuating the problem. It would be like holding a contest between different ways of washing one's face and allow leaving it unwashed as an option.

Mr. UNDERWOOD. But that seems to me to be a political argument about the relative merits of the positions. If one option is unacceptable to you, you are perfectly entitled to that; but if it is acceptable to others, they are entitled to that as well.

Mr. APONTE. Yes, sir, but then you would not be complying with U.N. Resolution 1541, which is what the bill says you are complying with.

Mr. UNDERWOOD. Well, that is prefatory language.

Mr. YOUNG. May I suggest one thing? I have every intention to debate all proposed definitions, but before this bill leaves the House it will be definite definitions in the legislation. And not speaking up for my friend from California, I have looked at this 4-year deal and we are going to discuss this more. I would suggest what we have to do is define this bill so finely that when the process goes forward the people of Puerto Rico will know exactly what they are voting for.

The gentleman, my good friend—

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman.

I just wanted to take a moment to perhaps clear up a little bit what has been said here. Because being in Congress, what we say in Congress sometimes is perceived differently here in Puerto Rico.

These hearings are not to make a decision. We are not going to make a decision in these hearings, right here, either one of us. So these hearings are to hear, to make everyone feel they have a clear opportunity to express their views and what their desires and aspirations are.

That is exactly what Mr. Miller was underlining and under-scoring. He wants to listen. He does not want to argue whether it is or is not constitutional. Maybe he will decide something that is being asked is unconstitutional, but that will be later on when he researches that and studies with his staff. Then he will make that decision, not now.

He is going to listen to all of the aspirations. Whether they are practical or not, he is not going to make that decision now. He wants to hear the aspirations, and then he will make that decision later on when we mark up the bill.

Whether the aspirations and the desires of any particular group are acceptable politically, he is not going to decide that now. Neither are any of us going to decide that now. That is going to be decided later on.

Most people here do know I have my mind made up. I would not be telling the truth, I would not be honest if I didn't say that. But I have spoken to all of the others, and they don't have their mind made up. But they would consider it.

So don't misunderstand what Mr. Miller says. Also that he will listen to everything. He is not giving credit or patting on the back any of the aspirations. He will make that decision later on.

And, George, if I have not correct—OK, you can take my time and say so. So don't misjudge.

Mr. MILLER. If you will yield, I just think that what you and Chairman Young started out here is far different than how we have handled this in the past. I said I think it has a great opportunity to succeed, and I am very concerned that we not have the process overwhelm with the politics and that the people understand that we in Congress will have to make some difficult discussions.

There is a lot of arguments that have been suggested to us that are they thin, with all due respect. But people should be entitled to present them to us. Because the 49ers pick their colors and the Rams pick their colors. There is a long history in this country of these three parties. As Mr. Underwood said, let us not suggest that the Commonwealth is a new argument.

So all I am saying is, as people present the evidence to us, let us not try to swamp the other fellow's boat in the process, because that is not helpful to us.

Mr. YOUNG. May I suggest, what colors do the Yankees have?

Mr. MILLER. I am a Mets fan.

Ms. RAMIREZ DE FERRER. May I make a comment?

The problem is, sir, some of these proceedings in the past have allowed kind of a wish list up there; and then they say let them vote on it and then we will decide if those decisions are viable or

not when we come back, Congress. We need to know that before we vote the first time.

Mr. ROMERO-BARCELÓ. That might be a decision to be made later on; but what we obtain here, today, in this hearing, those decisions will not be made.

On the contrary, I think every member here wants to listen as broadly as possible to the proposals and aspirations of each one that testifies. So when I ask questions about sovereignty and nationality and citizenship, I am trying to just make it clear for the panel, so when we go to decide it in the markup, the panel knows what each party, when they say they want to have citizenship, they want to have sovereignty, they know what they mean, so we can discuss it. Otherwise, we might make a decision based on assuming facts that are not correct.

Mr. Aponte.

Mr. APONTE. One thing that should be clear is that we are right now right here before Congress because we are under the territorial clause of the Constitution. If we had status that could survive independently from the Federal assistance, we would be before the executive branch of Congress.

So the people of Puerto Rico, they know that Congress can design a Commonwealth to fit all possible alternatives. We are not naive, but we have been forced to adjust to the situation and try to take advantage of the disadvantage of our political status, and that is what we want to solve in this process.

If the definitions are not clear, we can go into the process, but you bet we are going to have same discussion maybe 4 years from now, maybe 6 years from now, but you will have the same problem. If you want to solve the problem, all we are asking is not to use the problem as a solution.

Mr. ROMERO-BARCELÓ. Mr. Aponte, the territorial clause more or less says that the Congress has powers over the materials and possessions. But are you aware that this Congress, 105th Congress, can make the option not to exercise those powers in this Congress? You know that. But what it cannot do is perhaps tell the next Congress, 106th, that it cannot do it. Is that what you are trying to say? Is that one of your points?

Mr. APONTE. What I am trying to say is this Congress has decided to find a solution to the problem of Puerto Rico. It has not a legal obligation, but it has a moral obligation. It has a moral obligation. Since you are the ones that stepped forward, all I want to tell you is we are willing to go through this process and find a final solution. It will be best for you and best for Puerto Rico.

Mr. ROMERO-BARCELÓ. I think you can be assured that that is what I have spoken and all the Members have spoken they want to do.

Mr. YOUNG. The gentleman's time has expired.

I want to thank the panel for their testimony and, as is usually and customary, I want to pass the gavel down to Mr. Underwood, who will be the chairman of the next panel. I will be in and out of the room and listening to most of the testimony, but that is the way we do it.

I want to thank you personally for very good testimony.

STATEMENT OF THE HONORABLE JOSE GUILLERMO RODRIGUEZ, MAYOR OF MAYAGUEZ, MAYAGUEZ, PUERTO RICO

Mr. UNDERWOOD. [Presiding] OK. We will begin the second panel and start with the Honorable Jose Guillermo Rodriguez, Mayor of Mayaguez; and I would like, first of all, to thank you for welcoming us to your beautiful, fair city.

Mayor Rodriguez, go ahead please.

Mr. RODRIGUEZ. Mr. Underwood and Mr. Carlos Romero Barceló, nuestro Comisionado residente en los Estados Unidos. Mi nombre es José Guillermo Rodríguez y soy el Alcalde electo de la ciudad de Mayaguez. Señor Presidente y miembros del Congreso de los Estados Unidos, deseo comenzar brindándoles la más cordial bienvenida a nuestra ciudad de Mayaguez a nombre de los más de 100,000 habitantes que residen en ella.

Antes de entrar en los detalles de la ponencia, deseo indicarles que los electores de esta ciudad en el plebiscito del año 1993, auspiciado por el gobierno del Partido Nuevo Progresista, le dieron a la fórmula del Estado Libre Asociado, sometido a la consideración del pueblo, alrededor de 5,000 votos de ventaja. La mayoría con más amplio margen en todos los municipios del país.

Este servidor de ustedes, fue electo representante a la Cámara en las elecciones de 1998, el legislador electo representante a la Cámara por mayor cantidad de votos en la ciudad, Alcalde en el 1992 y reelecto en las elecciones de 1996, siendo el alcalde de Mayaguez que por mayor cantidad de votos consecutivamente ha sido seleccionado en la ciudad de Mayaguez.

Entendí importante participar en estas vistas congresionales, donde se pretende establecer un proceso adecuado para que el pueblo de Puerto Rico exprese una vez más su preferencia sobre el status político que habrá de regir los destinos de este pueblo.

Estoy seguro que ustedes se habrán preocupado por conocer el trasfondo histórico de la creación y establecimiento del actual Estado Libre Asociado, sobre algunas reflexiones de su fundador y ex- Gobernador de Puerto Rico, don Luis Muñoz Marín, y sobre todo, del panorama político, social y económico que existía en nuestro país antes de la fundación del Estado Libre Asociado, deseo hablarles un poco.

Nuestro país, era uno sin esperanza, azotado por la miseria y la falta de oportunidades de progreso, aún estando durante más de cincuenta largos años sobre el dominio total de los Estados Unidos. Ante ese cuadro desalentador, el fundador del Estado Libre Asociado luchó dentro de sí en contra del deseo innato que reside en la mayoría de los seres humanos y el cual rechaza la idea de sentirse esclavo, arrimado, extraño en su propia tierra. La independencia, aunque digna, insensata en aquel momento.

Puerto Rico se encontraba totalmente dividido entre dos extremos. Sobre cuatrocientos años de historia marcaban en nuestro pueblo un arraigado nacionalismo, protagonista de sangrientos episodios en el país y ante el Congreso. La estadidad, aunque digna, también insensata por la resistencia extrema a la entrega de nuestra cultura, de nuestro idioma, de nuestra identidad. Sobre el dilema del status, decía don Luis Muñoz Marín lo siguiente: "Cada día se me hacía más difícil tolerar aquel boxeo

de sombras, aquella contienda entre los dos fantasmas de la independencia y la estadidad, tan amenazantes como irreales, que brincaban dándose puños de sombra. A veces, disparando balas de plomo sobre un cuadrilátero bajo el cual se acurrucaban la miseria, el hambre, la desolación, la desesperación y la enferma resignación de los desesperanzados.” Indicaba con profunda claridad de pensamiento, que el status político debe ser para servirle a la vida buena de un pueblo y no para obligar a la vida de un pueblo a ajustarse por razones abstractas, a un status político predeterminado.

De esa lucha interna, de la reflexión del idealismo absurdo frente a la realidad, surge una nueva creación política que armoniza el pensamiento sobre el status político con los ideales de justicia social, de vida buena y de honda satisfacción para los Puertorriqueños. Es por eso que solo existe en el mundo un solo Estado Libre Asociado. Porque se creó para servirle al progreso, desarrollo y aspiraciones de todos los Puertorriqueños, plasmando lo mejor de los dos extremos tradicionales, logrando la paz entre los Puertorriqueños y tomando lo mejor de dos mundos, para confeccionar una exitosa y nueva herramienta de desarrollo político, social y económico.

Decía nuestro Comisionado residente en Washington, don Antonio Fernoz Isern, “El Estado Libre Asociado responde a la historia de Puerto Rico. Su molde ha sido la propia vida de Puerto Rico. No hay que ir a buscar la definición ni la descripción del Estado Libre Asociado en ningún tratado de Ciencias Políticas. Forma de por sí, un capítulo nuevo que hay que agregar al libro.” Aquí es que ha estribado siempre, la difícil misión de los Estadolibristas, de hacer entender a los que evalúan con estrechez de pensamiento, el Estado Libre Asociado. Estamos ante un nuevo concepto mundial, que ha roto los conceptos tradicionales del pasado, de estadidad o independencia.

La forma y manera en que está redactado este Proyecto, comete el gravísimo error de llevar a nuestro pueblo al pasado, a la lucha de los extremos, en vez de permitir fortalecer el Estado Libre Asociado desde una perspectiva enfocada al futuro y no al pasado. Es en este contexto, que el Estado Libre Asociado es un concepto de avanzada, adelantado en el tiempo, apuntando siempre al futuro y no al pasado.

Si es este un proceso genuino para alcanzar una nueva negociación entre nuestras naciones, será necesario que el Congreso al igual que el derecho internacional libere su estrechez retrógrada arcaica y la tempere a la nueva realidad mundial, recogiendo los conceptos que en este momento mueven el mundo, eliminando barreras, estableciendo mercados comunes, relegando a un segundo plano los idealismos absurdos que aíslan y provocan conflictos entre los pueblos.

Mr. UNDERWOOD. Thank you very much.

I trust there are no more mayors of Mayaguez on the panel. I allowed you to go on simply because you are the mayor of this city, and we will try to hold the witnesses as much as possible to the 5-minute time.

[The prepared statement of Mr. Rodriguez follows:]

**PRESENTATION OF THE
HON. JOSE GUILLERMO RODRIGUEZ
MAYOR OF MAYAGUEZ, PUERTO RICO**

**BEFORE THE HOUSE RESOURCES COMMITTEE
OF THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES**

Monday, April 21st. 1997

Good Morning:

Mr. President and Members of Congress of the United States, I wish to begin by giving you a most cordial welcome to our city of Mayagüez and on behalf of it's more than 100,000 inhabitants who reside in it.

Before entering into the details of my presentation I wish to indicate that the voters of this city in the Plebiscite that was held in 1993 sponsored by the New Progressive Party, they gave to the formula for Commonwealth submitted for the consideration of the people, almost 5,000 more votes. The widest margin of all the municipalities of the country. This servant was elected Representative to legislature in the elections that were held in 1988; the Representative elected with the most votes in the city. Elected Mayor in 1992 and reelected in the elections that were held in 1996, being the Mayor of Mayagüez with the most votes obtained consecutively.

I understand that it was important to participate in these Congressional hearings where it is supposed to establish an adequate process for the people of Puerto Rico to express themselves one more time their preference on the political status which is to govern the destiny of this country.

I'm sure that you are been worried about learning the historical background of the creation and establishment of the present Commonwealth. About some of the reflections about it's founder and ex-governor of Puerto Rico Don Luis Muñoz Marín and above all the political panoramic, social, and economic situation that existed in our country before the establishment of Commonwealth I will like to relate

a brief history of the conditions and the realities at that moment. Our country was one without hope, deep in misery, and a lack of opportunities for progress, although being for more than fifty long years under the total domain of the United States.

With this devastating picture the founder of Commonwealth fought within himself, and against the innate desire that is in the majority of humans and refuses the idea of feeling as a rejected slave in his own land. Independence although it was dignified, but irrational at that moment.

Puerto Rico was totally divided between the extremes. Over 400 years of history marked in our country a very deep rooted nationalism that shed a lot of blood in our country and in Congress.

Statehood although dignified also; foolish because of it's extreme resistance in sacrificing our culture, our language, and our identity.

About the perplexity of "Status" Don Luis Muñoz Marín used to say the following: "Each day it was difficult for me to tolerate this shadow boxing, that match between two ghosts, independence and statehood, very and unreal that jumped giving at each other punches of shadow, sometimes firing lead bullets into a ring where misery, hunger, desolation, desperation and the ill resignation of the desperate were squatting."

He indicated with profound thought that: "The political status should serve the good life of a country and not to obligate the life a country to adjust to reasons that abstract to predetermined political "status".

From this internal struggle, the reflexion of the absurd idealism before reality, emerges a new political creation that harmonizes the thought about the political "status" with the ideals of social justice of good life and deep satisfaction for the puertoricans.

It's for this reason that there is only one Commonwealth, because it was created to serve progress, development and the aspirations of all puertoricans molding the best of the traditional extremes, obtaining peace among puertoricans and taking the best of the two worlds to make a new successful tool for the political, social and economical development.

Our Resident Commissioner in Washington, Don Antonio Fernós Isern used to say, "Commonwealth responds to the history of Puerto Rico. It's model has been Puerto Rico's own life. You don't have to look for the definition or the description of Commonwealth in any political science book. It by itself forms a new chapter in which you would have to add to the book."

Here is where the difficult mission of pro-commonwealth supporters lies, in to make those who are narrow-minded understand Commonwealth. We are before a new world concept that has broken with traditional concepts of the past of statehood or independence.

The way and manner in which this project is written makes the serious mistake of taking our people to the past, to the fight of the extremes, instead of

strengthening Commonwealth from perspective focused to the future and not the past. In this context is that Commonwealth is an advanced concept, ahead in time pointing always to the future and not the past.

If this is a genuine process to reach a new agreement between our nations, it is necessary that Congress as well as International Rights free it's past, old way of thinking and adjust it to the reality of the world, gathering the concepts that at this moment moves the world, eliminating barriers, establishing common market, relegating to a second level those absurd idealism that isolate and provoke conflicts among countries.

For this, it is necessary that the people of Puerto Rico recover the respect and trust that it felt for the Congress of the United States.

In regaining the people it's trust, is based that the people know how to clearly distinguish which is the stage that it is at this moment. About Dictatorship or Democracy the founder of Commonwealth used to say: Dictatorship " is the one which doesn't want to vote, doesn't want the free vote", and which I add for which you wish for.

Dictatorship is the one that doesn't allow you to use the word "Dictatorship" aloud. Dictatorship is the one that shuts down newspapers who dare uses or say the word "dictatorship" in their pages.

Democracy, on the other hand, is the one that allows you to say aloud the

word "dictatorship" freely. Democracy guarantees the free circulation of newspapers that shout and cry out the slander against democracy itself. Dictatorship is the one that doesn't permit the speaker or the newspaper say the truth according to what he sees. Democracy guarantees the freedom even those for those who lie ... against democracy itself."

In this process we the pro-commonwealth supporters don't pretend to reach not only what is convenient for our own interests, our wish rests in finally achieving a deal based on what is best for the interest of both nations.

The political future is not in the extreme polarizations. Commonwealth has been that new concept that seeks the world to reach, a universal system inspired in the globalization. Commonwealth has been that successful experiment that has functioned although being governed by those who wish to destroy or banish it.

Our efforts as of the world, should be directed towards evolution and changes, towards globalization, to unite us more, respecting and recognizing our great culture, language, national characteristics differences; with the intention of integrating us into a closer relationship, but at the same time more defined, that would provide a fair agreement between both parties, respecting the democratic rights for which we both have fought and given lives.

There is, our hope that at the end of peaceful analysis, unpassionate, uncontaminated from economical influences, Commonwealth will prevail as the

most convenient option for Puerto Rico and the United States. That is why we support the new definition of Commonwealth presented to you by the President of the Popular Democratic Party.

THANK YOU.

PONENCIA DEL
HON. JOSE GUILLERMO RODRIGUEZ
ALCALDE DE LA CIUDAD DE MAYAGUEZ
MAYAGUEZ, PUERTO RICO

ANTE EL
COMITE DE RECURSOS

CAMARA DE REPRESENTANTES DE LOS ESTADOS UNIDOS

Lunes, 21 de abril de 1997

Buenos Días:

Señor Presidente y Miembros del Congreso de los Estados Unidos, deseo comenzar brindándole la más cordial bienvenida a nuestra ciudad de Mayagüez y de los más de 100,000 habitantes que residen en ella.

Antes de entrar en los detalles de la ponencia, deseo indicarle que los electores de esta ciudad en el Plebiscito del año 1993 auspiciado por el Gobierno del Partido Nuevo Progresista, le dieron a la formula del Estado Libre Asociado sometido a la consideración del pueblo alrededor de 5,000 votos de ventaja, la mayoría con más amplio margen en todos los Municipios del país. Este servidor de ustedes fué electo Representante a la Cámara en las elecciones de 1988, el legislador electo por la mayor cantidad de votos en la ciudad, electo Alcalde en el 1992 y reelecto en las elecciones del 1996 siendo el Alcalde de Mayagüez que por mayor cantidad de votos consecutivamente ha sido seleccionado en la Ciudad de Mayagüez.

Entendí importante participar en estas vistas congresionales donde se pretende establecer un proceso adecuado, para que el pueblo de Puerto Rico exprese una vez más su preferencia sobre el status político que habrá de regir los destinos de este pueblo.

Estoy seguro que ustedes se habrán preocupado por conocer el trasfondo histórico de la creación y establecimiento del actual Estado Libre Asociado. Sobre algunas de las reflexiones de su fundador y ex-gobernador de Puerto Rico, Don Luis Muñoz Marín y sobre todo del panorama político, social y económico que existía en nuestro país antes de la fundación del Estado Libre Asociado deseo hablarle un poco. Nuestro País era uno sin esperanza, azotado por la miseria y la falta de oportunidades de progreso, aún estando durante más de cincuenta largos años bajo el dominio total de los Estados Unidos.

Ante ese cuadro desalentador el fundador del Estado Libre Asociado luchó dentro de sí en contra del deseo innato que reside en la mayoría de los seres humanos y el cual rechaza la idea de sentirse esclavo, arrimado, extraño en su propia tierra. La Independencia aunque digna, insensata en aquel momento.

Puerto Rico se encontraba totalmente dividido entre los extremos. Sobre 400 años de historia marcaban en nuestro pueblo un arraigado nacionalismo protagonista de sangrientos episodios en el país y ante el Congreso.

La Estadidad aunque digna, también insensata por la resistencia extrema a la entrega de nuestra cultura, de nuestro idioma, de nuestra identidad.

Sobre el dilema del "Status" decía Don Luis Muñoz Marín lo siguiente: "Cada día se me hacía más difícil tolerar aquel boxeo de sombras, aquella contienda entre los dos fantasmas de la independencia y la estadidad, tan amenazantes como irreales que brincaban dándose puños de sombra, a veces disparando balas de

plomo sobre un cuadrilátero bajo el cual se acurrucaban miseria, hambre, desolación, desesperación y la enferma resignación de los desesperanzados."

Indicaba con profunda claridad de pensamiento que: "el status político debe ser para servirle a la vida buena de un pueblo y no para obligar a la vida de un pueblo a ajustarse por razones abstractas a un "status" político predeterminado."

De esa lucha interna, de la reflexión del idealismo absurdo, frente a la realidad, surge una nueva creación política que armoniza el pensamiento sobre el "Status" político con los ideales de justicia social de vida buena y de honda satisfacción para los puertorriqueños.

Es por eso que solo existe en el mundo un solo Estado Libre Asociado, porque se creó para servirle al progreso, desarrollo y aspiraciones de todos los puertorriqueños, plasmando lo mejor de los dos extremos tradicionales, logrando la paz entre los puertorriqueños y tomando lo mejor de dos mundos, para confeccionar una exitosa y nueva herramienta de desarrollo político, social y económico.

Decía nuestro Comisionado Residente en Washington Don Antonio Fernós Isern "El Estado Libre Asociado responde a la historia de Puerto Rico. Su molde ha sido la propia vida de Puerto Rico. No hay que ir a buscar la definición ni la descripción del Estado Libre Asociado en ningún tratado de ciencia política. Forma de por sí un capítulo nuevo que hay que agregar al libro."

Aquí es, que ha estribado siempre la difícil misión de los Estadolibristas de hacer entender a los que evalúan con estrechez de pensamiento el Estado Libre Asociado. Estamos ante un nuevo concepto mundial que ha roto los conceptos tradicionales del pasado de Estadidad o Independencia.

La forma y manera en que está redactado este proyecto, comete el gravísimo error de llevar a nuestro pueblo al pasado, a la lucha de los extremos, en vez de permitir fortalecer el Estado Libre Asociado desde una perspectiva enfocada al Futuro y no al pasado. Es en este contexto que el Estado Libre Asociado es un concepto de avanzada, adelantado en el tiempo, apuntando siempre al futuro y no al pasado.

Si es este, un proceso genuino para alcanzar una nueva negociación entre nuestras naciones, será necesario que el Congreso al igual que el Derecho Internacional libere su estrechez retrógrada, arcaica y la atempere a la nueva realidad mundial, recogiendo los conceptos que en este momento mueven el mundo, eliminando barreras, estableciendo mercados comunes, relegando a un segundo plano los idealismos absurdos que aíslan y provocan conflictos entre los pueblos.

El futuro político no está en los extremos polarizantes. El Estado Libre Asociado ha sido ese nuevo concepto que busca el mundo para lograr alcanzar, un sistema universal, inspirado en la globalización. El Estado Libre Asociado ha sido

ese experimento exitoso, que ha funcionado aun estando gobernado por los que lo han querido destruir.

Nuestros esfuerzos como los del Mundo, deben estar dirigidos hacia la evolución y los cambios, hacia la globalización, a unirnos más, respetando y reconociendo nuestras grandes diferencias culturales, nuestro idioma, las características nacionales, con la intención de integrarnos en una relación más estrecha, pero a la misma vez más definida, que proporcione una justa negociación entre ambas partes, respetando los derechos democráticos por los cuales juntos hemos luchado y ofrendado vidas.

Para eso es necesario que el pueblo de Puerto Rico recobre el respeto y la confianza que sentía por el Congreso de los Estados Unidos.

En ese recobrar del pueblo la confianza estriba que ese pueblo sepa discernir claramente ante cual escenario se encuentra en este momento.

Sobre la Dictadura o Democracia el fundador del Estado Libre Asociado decía: Dictadura es la que no quiere que se vote, la que no quiere que se vote libremente" y yo le añado por lo que se desea.

Dictadura es la que no permite que se diga en alta voz la palabra "Dictadura" Dictadura es la que cierra periódicos que se atreven a decir la palabra "dictadura" en sus páginas.

Democracia, en cambio, es la que permite que se diga en alta voz la palabra "dictadura" libremente. Democracia es la que garantiza la libre circulación de los

periódicos que gritan y vociferan la calumnia contra la democracia misma. Dictadura es la que no le permite a orador o periódico decir la verdad según la ve. Democracia es la que garantiza libertad hasta para los que dicen el embuste... contra la democracia misma."

En este proceso los Estadolibristas no pretendemos alcanzar solo lo que convenga a nuestros intereses. Nuestro deseo descansa en lograr finalmente una negociación basada en lo que mas convenga a los intereses de ambas naciones. Hay, nuestra esperanza de que al final del análisis sosegado, desapacionado, descontaminado de influencias económicas, el Estado Libre Asociado prevalezca como la opción más conveniente para Puerto Rico y los Estados Unidos. Por eso respaldamos la nueva definición del Nuevo Estado Libre Asociado presentado a ustedes por el Presidente del Partido Popular Democrático.

MUCHAS GRACIAS.

Mr. UNDERWOOD. I now call on Honorable Antonio Fas Alzamora, the Minority Leader of the Senate-Popular Democratic Party, Senate of Puerto Rico.

**STATEMENT OF THE HONORABLE ANTONIO J. FAS ALZAMORA,
MINORITY LEADER OF THE SENATE-POPULAR DEMOCRATIC
PARTY, SENATE OF PUERTO RICO, SAN JUAN, PUERTO RICO**

Mr. ALZAMORA. Muy buenos días, señores Congresistas. Como bien ha mencionado el Congresista, represento a la delegación del Partido Popular Democrático en el Senado, cuerpo legislativo que llevo dieciséis años en el y cuatro en la Cámara. Para veinte años, trabajando en la política Puertorriqueña y defendiendo el ideal del Estado Libre Asociado.

Por segunda vez comparezco ante esta honorable Comisión, para exponer algunos de mis puntos de vista en torno a este proyecto. Hay dos aspectos que deseo enfocar, pero quiero previamente adelantar que el mismo está redactado en forma viciada, prejuiciado para fabricar una mayoría a favor de la estadidad aunque no se compromete a concederla.

Este proyecto, a mi juicio, como está redactado, le falta el respeto a la democracia Puertorriqueña. En primer lugar, la discusión del futuro político de Puerto Rico debe partir de la propia creación del Estado Libre Asociado. Quiero citar palabras que dijera el primer Gobernador electo por los Puertorriqueños, don Luis Muñoz Marín, el veinticinco de julio de 1952, cuando se izó esa bandera Puertorriqueña que ustedes ven ahí, junto a la bandera de los Estados Unidos de América, y cito: "Voy a izar cuando termine mis palabras, la bandera del pueblo de Puerto Rico al fundarse el Estado Libre Asociado, en voluntaria asociación de ciudadanía y afecto con los Estados Unidos de América. El pueblo verá en ella el símbolo de su espíritu, ante su propio destino y en el conjunto de América. Junto a la bandera de los Estados Unidos, la del pueblo más pequeño del hemisferio significa que a los pueblos como a los hombres, la democracia los declara iguales en dignidad" y cierro la cita.

Estas elocuentes palabras del arquitecto del ELA, que ha marcado el rumbo de nuestra relación con los Estados Unidos durante las pasadas cuatro décadas y media, pusieron fin a un proceso de descolonización. Se reconoció nuestra soberanía y el pacto bilateral entre Puerto Rico y Estados Unidos. Todo este logro le fue informado por ustedes, a las Naciones Unidas en 1953.

A Puerto Rico no se le conoce como una isla en el Caribe, ocupada por ciudadanos Norteamericanos, sino como una nación Caribeña con cultura, características y personalidad propia. Estados Unidos no encontró en 1898 a una isla desierta, sin identificación nacional. No llegó a un territorio abandonado, sino a una nación con características propias, con igual dignidad a las demás naciones del mundo.

El Proyecto en cuestión debe incorporar, para que exista un juego limpio o igualdad de condición en este proceso, la definición del nuevo ELA que ha sometido el Presidente de nuestro partido. El desarrollo y culminación del ELA no es hacia la independencia ni tampoco hacia la estadidad, que es el status que conllevaría a la desaparición de nuestra nacionalidad Puertorriqueña. Insisto, la

estadidad no es el desenlace final en el desarrollo del ELA. Esta no ha sido la intención de los que hemos favorecido la fórmula del ELA en las consultas de 1952, 1967 y 1993.

Un segundo aspecto de nuestra visión de este proceso, es que hay que desenmascarar la estadidad a nuestro juicio, de la cual se dice es un status digno. Con el respeto que me merecen quienes así piensen, la asimilación sería una condición de indignidad, porque sería retornar a Puerto Rico a un status colonial en forma permanente.

Somos dos naciones distantes, dos razas distintas. Los estadistas Puertorriqueños quieren la estadidad, no porque se sientan Americanos, sino en razón de los dólares y centavos que según ellos llenarían nuestras arcas. La inmensa mayoría de los Puertorriqueños, no nos sentimos Americanos. Nos sentimos Puertorriqueños con ciudadanía Americana, y no es lo mismo ni se escribe igual, pues tenemos la voluntad y el compromiso de mantener una relación con Estados Unidos porque nos sentimos orgullosos de esa ciudadanía y reconocemos su valor y sus responsabilidades.

La estadidad tiene múltiples desventajas porque afecta significativa y adversamente tanto a Puerto Rico como a los Estados Unidos. En esencia, la estadidad daría aunque muchas cosas negativas, una significativa reducción en el crecimiento de la economía de Puerto Rico. En cuanto a los Estados Unidos, la estadidad le impone mayores gastos en Puerto Rico, pero aún más importante, la cultura y el idioma vernáculo de Puerto Rico irá desapareciendo a medida que avanza el proceso de asimilación de los Puertorriqueños para convertirse en Norteamericanos como ha ocurrido en varios estados.

¿Cuáles serían las ventajas de la estadidad? No puede haber ventaja alguna, pues la asimilación es un proceso de autodestrucción, de dejar de ser lo que somos para convertirnos en otra cosa. Es pretender borrar nuestra historia y reescribirla bajo la asimilación. Con la estadidad, Puerto Rico enfrentaría los numerosos problemas que conllevaría a hacerla el estado más pobre de la nación Americana. Otro problema que enfrentaría Puerto Rico es la aplicación de contribuciones Federales a nuestra gente productiva, lo que originaría una situación catastrófica en la economía familiar pues tendríamos que pagar más contribuciones.

La estadidad sería el suicidio político de Puerto Rico, la desaparición de nuestra nacionalidad. Es por esto, que en lugar de ayudar a imponer una fórmula política en contra de la mayoría de los Puertorriqueños expresada en las urnas, así como en contra de los mejores intereses de nuestros pueblos, hay que darle continuidad al compromiso desarrollado por nuestras naciones.

El ELA, como todo sistema, hay que mejorarlo en aquellas partes donde no ha sido desarrollado. Para esto es menester tener la voluntad política de entender nuestro status. De eso es que se trata esto, de la voluntad política de unos y otros, voluntad política de los que queremos la ciudadanía Americana y seguir siendo Puertorriqueños y la voluntad política de ustedes para respetar eso y por tanto no darle la espalda a la creación más afortunada en este continente.

Señores Congresistas, se necesita solo la voluntad política para mantener y desarrollar nuestra autonomía con ciudadanía. Nosotros somos Puertorriqueños primero. Puerto Rico es una nación. Definan el nuevo ELA con la misma dignidad como lo concibe la mayoría de nuestro pueblo, tal y como lo hemos propuesto. Recuerden, la clave de todo es voluntad política. Nosotros la tenemos. Demuéstrenla ustedes. Atrévanse.

Muchas Gracias.

[The prepared statement of Mr. Alzamora follows:]

Testimony of
Antonio J. Fas Alzamora, Esq.
before the Subcommittee on Native
American and Insular Affairs

April 21, 1997
Mayaguez, Puerto Rico

Good Morning Mr. Chairman and members of the Committee:

I appear before this honorable commission for the second time to expose some of my point of view regarding House Bill 856, known in Puerto Rico as the Young Bill for the celebration of political status plebiscite in the island in 1998.

I have been a legislator of the Commonwealth of Puerto Rico for twenty years and several months, four of which I spent as a member of the House of the Representatives and sixteen in the Senate, where I am the Minority Leader of the Popular Democratic Party.

There are two aspects of the Young Bill that I wish to focus on. I want to previously bring forward the fact that the Bill has been written in a warped way, without any process of consultation or dialogue taking place, in its origins, with Commonwealth Forces, and prejudiced in order to fabricate a majority that favors statehood, even if it does not compromise itself to grant it, nor does it make clear the scope of its details something that was made evident last October when the Bill was withdrawn from the legislation process in Congress, when the statehood leadership, through Resident Commissioner Carlos Romero-Barcelo became convinced that the legislative piece would be amended in order to demand a statehood definition with English as the official language in our public schools, which would have given a mortal blow to the assimilatory cause in Puerto Rico.

In the first place, the discussion of the political future of Puerto Rico should depart from the Commonwealth's own creation.

I would like to quote the words of the first Puerto Rican Governor elected by the people Mr. Luis Muñoz Marín, on July 25, 1952, in the acts of the hoisting of the Puerto Rican flag next to the American flag, to symbolize the creation of our actual status:

"I am going to hoist, when I finish my words, the flag of the people of Puerto Rico as we found the Commonwealth in voluntary association of citizenship and affection with the United States of America. The people will see in it the symbol of its spirit in the face of its own destiny and the entirety of America. That next to the flag of the United States stands that of the smallest nation of the hemisphere signifies that to nations, as to men, democracy declares then equal in dignity. Puerto Rico is honored to see its flag floating next to that of great American Union; and the Union, for the greatness of its democratic conscience must feel satisfied that the flag of a nation of such vigorous spirit in such small extension, should render the tribute of its free companionship in the masts of liberty".

These eloquent words of the architect of the Commonwealth, that have marked the course of our relationship with the United States for the last (4) four decades, put an end to a process of decolonization that started with the approval of Law 600 by the

Puerto Rican people, all of which led to the birth of the Constitution of Puerto Rico, that was adopted as a pact between our Nations with the approval of Congress.

By these means our sovereignty and the bilateral pact between Puerto Rico the United State was recognized.

Puerto Rico is not known as an island in the Caribbean occupied by Americans, but as a Caribbean nation with it's own characteristics and personality, with our Spanish language, with very particular traditions and its own International presence, even if limited to sports, arts and science. We have our own and particular literature which is different to that of other countries, including the United State themselves. Our United States citizenship, just as it was conceptualized by President Taft himself, was not a step towards statehood, but an instrument to recognize the loyalty of the citizens of a nation in the process of developing its own government in the context of a special relationship with the United States. In short, the United States did find in 1898 a deserted island, without national identity. They did not arrive to an abandoned territory, but to a nation with inherent characteristics and with equal dignity to the rest of the nations of the world.

The Young Bill must incorporate, so that a fair game may exist on an equal footing in this process, the commonwealth definition from 1990-91 that was approved by the Federal House of Representatives, with some modifications towards the development of the Commonwealth status to its fullest self determining potential, with the maximum international presence compatible with our political relationship with the United States while keeping our bilateral pact unaltered in regard to the common citizenship, defense, market and currency.

The development and the culmination of the Commonwealth is not towards Independence, nor towards statehood, which is the status that would forward the disappearance of our Puerto Rican nationality. I insist, statehood is not the final development of the Commonwealth since that has not been the purpose of those that have favored the Commonwealth formula, nor that of the majority of the Puerto Rican people that in 1952, 1967 and 1993 have rejected it, as they have independence.

A second aspect in our vision of this process is that statehood, has to be unmasked which is said to be a dignified status. With all due respect to those who hold these believe, assimilation would be a dishonorable condition for it would be taking Puerto Rico back to a colonial status of permanent order.

We are two different nations. The Puerto Rican statehooders want statehood not because they feel in any way american but because of the dollars and cents that, according to them would fill our treasury boxes. It is for this reason that they try to sell us a

false vision, a state with the spanish language in the public schools and government agencies, with an Olympic Committee, Puerto Rican literature and culture, two flags and two national anthems. That, as you all know, is not possible.

The immense majority of Puerto Rican do not feel American. I do not fell American. We feel like Puerto Ricans with american citizenship, that we have the compromise to maintain a relationship with the United States because we fell proud of that citizenship, and we want our Puerto Rican citizenship, for our own nature, because we are Puerto Ricans.

Statehood has multiple disadvantages, because it affects significantly and adversely both Puerto Rico and the United State. In other words, it is not advantageous nor beneficial for any of the parts. In its essence, statehood would bring significant reduction in the growth of the economy of Puerto Rico, because it would reduce the growth of investments production and employment in the manufacturing sector. This is because under assimilation Puerto Rico would not continue to enjoy the tax advantages that provide the Federal Revenue Code. Statehood is incompatible with the tax incentives of Section 30-A just as it would have been incompatible with Section 936 which you have derogated to the detriment of our development. As for the United States statehood imposes onto them greater spending in Puerto Rico.

But more importantly, the culture and the vernacular language of Puerto Rico will disappear gradually according to the rate at which the process of assimilation advances among Puerto Ricans until they become Americans, as has happened in the states of New Mexico, Arizona and Texas. This process would be accelerated if it were to happen that, as in those states, public education as well as government operations were required to be carried out in English, which according to the latest polls is the feeling of the majority of the American people.

Which would be the advantages of statehood? There can be no advantages, for assimilation is a process of self destruction, to relinquish being what we are to become something else. It is pretending to erase our history and rewrite it under assimilation. With statehood, Puerto Rico would face the numerous problems that would come with being the poorest state of the American Nation for estimates show that the island would be three times as poor as Mississippi, which is the most impoverished state of the Union. Another problem that Puerto Rico would face is the imposition of federal taxes to our people, which would originate a catastrophic situation in household economies, for we would have to pay more taxes that under the Commonwealth status.

The cards are on the table. Statehood would mean political suicide for Puerto Rico. This is why, instead of helping to impose a political formula that goes against what the majority of Puerto

Ricans have expressed in the ballot boxes and against the best interests of our people, we have to impart continuity to the compromise developed by our nations.

The Commonwealth, as any system, has to be improved in those parts that have not been fully developed. For this it is necessary to have political will to understand our status. That is what this is all about, the political wills of one another. The political wills of those that want the American citizenship and to continue being Puerto Ricans and your political will to respect that. Therefore do not turn your backs to the most fortunate creation of this continent. Men of Congress, an that is needed is the political will to maintain and develop our autonomy with citizenship.

We are Puerto Rican first. Puerto Rico is a nation. Define the new Commonwealth with the same dignity as it is regarded by the majority of our people just as we proposed it, and I can anticipate the results of the plebiscite. Zero Independence, zero statehood assimilation and Commonwealth forever in permanent association with the United State for the benefit of both nations. Remember that the key of everything is political will, Dare!

Thank you

Mr. UNDERWOOD [Presiding]. Next we have Mr. Jorge de Castro Font, a Representative of the Puerto Rico House of Representatives. Sir, the floor is yours.

**STATEMENT OF THE HONORABLE JORGE DE CASTRO FONT,
REPRESENTATIVE, PUERTO RICO HOUSE OF REPRESENTA-
TIVES, SAN JUAN, PUERTO RICO**

Mr. FONT. Thank you very much. Mr. Chairman, Governor Romero, and distinguished members of this Committee, welcome to the Commonwealth, indeed the shining star of the Caribbean.

Since 1900, with the adoption of the Foraker Act, through the Jones Act of 1917, the Elective Governors Act of 1947, and finally with the adoption of the Constitution creating the Commonwealth of Puerto Rico in 1952, the United States has been complying slowly but consistently with its international obligations to Puerto Rico.

In 1952, a big step was taken defining United States-Puerto Rico political and constitutional relationship. The official position of the United States as respects the process culminating in the adoption of the Constitution creating Commonwealth status can best be expressed in the words of former President George Bush while U.S. Ambassador to the United Nations in 1972, and I quote:

"Since 1953, the practice of self-government has become a firmly rooted tradition among the people of Puerto Rico. The compact under which the peoples of Puerto Rico and the United States live harmoniously in association has been achieved in complete freedom."

However, Representative Don Young, through H.R. 856, in treating the present Commonwealth status as colonial in nature and being under the plenary powers of Congress, openly and brazenly contradicts official policy as pertains the nature of the present Commonwealth relationship. If this is the case, then I submit to the learned gentlemen from Congress that what Judge Magruder refused to accept is quite true: "Congress did, in fact, perpetrate a monumental hoax upon the people of Puerto Rico and upon the international community."

The Popular Democratic Party believes in self-determination for the people of Puerto Rico and self-government within the framework of an enhanced and permanent Commonwealth status firmly rooted on common citizenship, common market, common defense and common currency. We hold these principles to be nonnegotiable. We also believe in fair play.

We want to participate in this process but we must insist that the status option that we support and have enjoyed since 1952 be not only validated as to its constitutional soundness, but also that it be treated on an equal footing with the other status options to appear on the ballot.

The bill we now consider falls short of this prerequisite. It clearly violates the fundamental principles governing the historic and special constitutional relationship between Puerto Rico and the United States. This bill seems to be tailor-made for failure of statehood, since it is the only option capable of assuming for Puerto Ricans a permanent union with the United States and American citizenship, which we insist must be made part of any definition of Commonwealth appearing on the ballot.

Furthermore, the process contained in the Young bill lacks self-executing definitions and in no way binds Congress. It forces our people to multiple referendums while not even guaranteeing a swift and uninterrupted process of transition. It is, therefore, totally unacceptable to us and, in all candidness, should likewise be unacceptable to you. The question I ask each and every one of you is the following: Why deprecate Commonwealth? Why deprecate Commonwealth? Governor Romero?

Commonwealth has been an exceptionally good partnership for both the United States and Puerto Rico. It has assured a political and social stability without parallel in this hemisphere, responsible for the unbelievable transformation of Puerto Rico in the last 45 years. All this, gentlemen, has been possible under Commonwealth.

We are really not asking for the impossible. What we are asking this Committee in general, and Mr. Don Young in particular, is to be consistent with previous definitions of Commonwealth status which have been specifically endorsed, to wit: that appearing on H.R. 4765, of May 1990. We will ask nothing less.

We want a vote taken on this matter; but for this vote to have any meaning, it must be an exercise of fair play and pursuant to the most basic principles of American democracy. It must be a process that dignifies our relationship and that treats with due respect the 1 million American citizens in Puerto Rico that favor Commonwealth. *Estado libre asociado*.

My party has always defended the political bonds that through Commonwealth have united Puerto Rico and the United States. I really hope that the doings of this Committee in relation to Commonwealth status, which I uphold, will fully justify that defense.

Thank you, Mr. Chairman. Congressmen.

[The prepared statement of Mr. de Castro Font follows:]

COMMITTEE ON RESOURCES

U.S. HOUSE OF REPRESENTATIVES

Statement of:
Hon. Jorge Adolfo de Castro Font
Representative at Large
Popular Democratic Party

On the Matter of H.R. 856

In Mayaguez, Puerto Rico this 21st. day of April, 1997.

**COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
STATEMENT OF THE HON. JORGE ADOLFO DE CASTRO FONT**

In the Matter of: H.R. 856

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE ON RESOURCES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA.

I thank you for giving me the opportunity to address the members of the Committee on Resources in relation to H.R. 856 which purports to provide a process leading to full self-government for Puerto Rico. This is the second time that I address this congressional committee on Puerto Rico status.

I welcome this initiative on the part of the Congress of the United States. Indeed, after almost one hundred years since the signing of the Treaty of Paris in 1898 the process of self-determination and full self-government for Puerto Rico should come to a satisfactory completion for the benefit of all. The United States government should be commended. Since 1900, with the adoption of the Foraker Act, through the Jones Act of 1917, the Elective Governors Act of 1947 and finally with the adoption of the Constitution creating the Commonwealth of Puerto Rico in 1952 it has been complying slowly, but consistently, with its international obligations towards Puerto Rico and with our expectations towards self-government through a valid exercise of our right to self-determination. The last step in the long, but honourable process, as I have just pointed out, came in 1952 when our present Constitution was adopted in a process characterized a special relationship between two nations.

In 1952 a big step was taken defining United States-Puerto Rico political and constitutional relationship. The official position of the United States as respects the process culminating in the adoption of the Constitution creating Commonwealth status can best be expressed in the words of former president George Bush while U.S. Ambassador to the United Nations in 1972, and I quote:

"Since 1953...the practice of self-government has become a firmly rooted tradition among the people of Puerto Rico clearly vindicating the judgement of the General Assembly. The compact under which the peoples of Puerto Rico and the United States live harmoniously in association has been achieved in complete freedom and has been repeatedly put to the test in the electoral ballot". End of quote.¹

¹ 2/29/72 United Nations General Assembly

However, one of the most stunning statements reflecting official United States policy came in 1985 in a First Circuit Court of Appeals decision which stated the following:

"...in 1952, Puerto Rico ceased being subject to the plenary powers of Congress as provided in the Federal Constitution. The authority exercised by the federal government emanated thereafter from the compact... Congress cannot amend the Puerto Rican constitution unilaterally and the government of Puerto Rico is no longer a federal government agency exercising delegated power". End of quote.²

This official position of the United States government has been consistently adopted by former presidents, Truman, Eisenhower, Kennedy, Johnson and, as stated, by President George Bush.

However, Representative Don Young, through H.R. 856, in treating the present Commonwealth status as colonial in nature and being under the plenary powers of Congress openly and brazenly contradicts official policy as pertains the nature of the present Commonwealth relationship. If this is the case, then I submit to the learned gentlemen from Congress that what Judge Magruder³ refused to accept is quite true: Congress did, in fact, perpetrate a monumental hoax upon the People of Puerto Rico and upon the international community.

Are we, ladies and gentlemen, ready to believe what H.R. 856 is clearly implying? I certainly hope not, for your sake as well as ours.

Now then, the Popular Democratic Party believes in self-determination for the People of Puerto Rico. We believe in complete self-government within the framework of an enhanced and permanent commonwealth status firmly rooted on common citizenship, common market, common defense and common currency. We hold these principles to be non-negotiable. We also believe in fair play. We honestly believe that the United States has treated us honourably and fairly and that it will continue to treat us in that way irrespective of this bill.

The Popular Democratic Party wants to participate in this process in support of an enhanced Commonwealth as just described. But we must insist that the status option that we support and have enjoyed since 1952 be not only validated as to its constitutional soundness, but also that it be treated on an equal footing with the other status options to appear on the ballot. The bill we now consider falls short of this prerequisite. It clearly violates the fundamental principles governing the historical and

² United States v. Quiñones, 758 F. 2d. 40

³ Figueroa v. El Pueblo de Puerto Rico 232 F. 2d. 615 (1956)

special constitutional relationships between Puerto Rico and the United States. It contradicts the positions assumed by the executive branch of the government and by Congress when proclaiming Commonwealth status in 1952 and those pertaining to United States officials before the United Nations which resulted in declaring Puerto Rico as not included in the list self-governing territories. This bill seems to be tailor-made to favor statehood since it is the only option capable of assuring for Puerto Ricans a permanent union with the United States and American citizenship which we insist must be made part of any definition of Commonwealth appearing on the ballot. Furthermore, the process contained in the Young bill lacks self-executing definitions and in no way binds Congress. It forces our people to multiple referendums while not even guaranteeing a swift and uninterrupted process of transition.

It is, therefore, totally unacceptable to us and, in all candor, should likewise be unacceptable to you. The question I ask is the following: why deprecate Commonwealth?

Let's be clear on one point. Commonwealth has been an exceptionally good partnership for both the United States and Puerto Rico. It has assured a political and social stability without parallel in this hemisphere. This political stability is perhaps the single most important fact responsible for the unbelievable transformation of Puerto Rico in the last fifty (45) years. We have now a gross national product of very close to \$30 billion dollars representing a per capita income which is one of the highest, if not the highest, of Latin America. About 40% of that domestic gross product is attributed to manufacturing. As a matter of fact, the Puerto Rican economy is responsible for maintaining approximately 220,000 jobs in the United States. ⁴ Puerto Rico is included within the 10 biggest markets for US products. We buy from the United States more than the combined purchases of countries as large as Brazil, Chile, Colombia, and Peru. All this, gentlemen, has been possible under Commonwealth.

Are we to jeopardize our political and social stability, a most welcome sight given the turmoil of our Spanish Caribbean, our economic growth and what it entails to the American economy by suddenly shifting gears towards different and very uncertain horizons? Frankly, I think this should entail a much deeper and serious analysis, specially if we consider that the island society, as a whole, is ominously divided as to what should be our political future. In a memo from the Commerce Department's Office of Policy Management directed to then President Ford and dealing on possible changes on Puerto Rican status, officials reminded the president that the island "is currently the world's largest per capita purchaser of mainland United States Goods" and added that, "to make any changes that threatens that trade is to suggest

⁴ Corporate Purchase from the U.S. Mainland. A survey, Puerto Rico Foundation. Page 3.

something of great practical importance to the U.S. mainland business community." ⁵

We are really not asking for the impossible. What we are asking this Committee in general, and Mr. Don Young in particular, is to be consistent with previous definitions of commonwealth status which have been specifically endorsed, to wit: that appearing on H.R. 4765, of May 1990 which, in effect, defined commonwealth as follows.

"the new Commonwealth of Puerto Rico would be joined in an union with the United States that would be permanent and the relationship could only be altered by mutual consent. Under the compact the commonwealth would be an autonomous body politic with its own character and culture, not incorporated into the United States and sovereign over matters governed by the Constitution of Puerto Rico... The United States citizenship of persons born in Puerto Rico would be guaranteed and secured as provided by the 5th. Amendment of the Constitution of the United States". We would ask nothing less.

We want a vote taken on this matter. It is the first time in one hundred years that a referendum on Puerto Rico status is held under the auspices of Congress. But for this vote to have any meaning it must be an exercise of fair play and pursuant to the most basic principles of American democracy. It must be a process that dignifies our relationship and that treats with due respect the one million American citizens in Puerto Rico that favor Commonwealth. A process of this nature, with these guarantees, will be welcome. I can assure you that given these circumstances Commonwealth will surely win for the third time around.

The Popular Democratic Party has often been described as a great umbrella capable of giving shelter to people of diverse political persuasions. Within my party I have been catalogued as a sort of right winger because of my ardent defense of the political bonds that through Commonwealth have united Puerto Rico and the United States. I really hope that the doings of this Committee in relation to Commonwealth status, which I uphold, will fully justify that defense.

Before closing let me add one more comment regarding the question of who should have the right to vote in this plebiscite. My opinion is that we should strictly adhere to the Puerto Rico Electoral Law. Only those born in Puerto Rico and residing

⁵ Corporate Purchases from the U.S. Mainland. A Survey, P.R. Foundation, Pág. 3.

108

5

in Puerto Rico and american citizens not born in Puerto Rico but residing in Puerto Rico for aperiod of not less than one year should be allowed to vote.

THANK YOU

Mr. UNDERWOOD. Thank you. And now we have the Honorable Severo E. Colberg-Toro, who is a Representative in the Puerto Rico House of Representatives. Sir, the floor is yours.

**STATEMENT OF THE HONORABLE SEVERO E. COLBERG-TORO,
REPRESENTATIVE, PUERTO RICO HOUSE OF REPRESENTA-
TIVES, SAN JUAN, PUERTO RICO**

Mr. COLBERG-TORO. Señor Presidente y resto de los Congressistas. El Proyecto 856 supone el establecer un proceso que lleve a Puerto Rico a un completo gobierno propio. Para que ese objetivo se cumpla, señor Presidente, hay que garantizar que los Puertorriqueños puedan optar entre las alternativas en forma libre, sin presiones o manipulaciones. El proceso tiene que ser un ejercicio verdadero del derecho a la libre determinación. Con el historial de imposición a que Estados Unidos ha sometido a este pueblo por casi cien años, ¿qué razones tendríamos en esta ocasión, los hijos de esta tierra, para pensar que esto es un proceso verdadero de libre determinación?

Veamos parte de ese historial antidemocrático sobre Puerto Rico, por parte de Estados Unidos, quien ha actuado de acuerdo a su interés y en violación a los principios morales de los cuales Estados Unidos se vanagloria de ser el paladín a nivel mundial. El 25 de julio de 1898, las tropas Norteamericanas invadieron a Puerto Rico. La ciudad de San Juan fue bombardeada, poniendo en peligro la vida de mujeres y niños Boricua. Estados Unidos impuso en nuestra patria, un régimen militar que dictatorialmente trastocó todo nuestro sistema de vida.

La ley Foraker, que Estados Unidos también nos impuso, trajo un gobierno civil. Este régimen fue valuado y comparado con el sistema Norteamericano bajo la administración del Presidente Carter y dicho informe determinó, que en todos los sentidos no adquirimos nada mejor de lo que teníamos. Intentó imponer el Inglés en la educación y en la judicatura. Económicamente, los Estados Unidos no hizo nada de lo que ya hacía España al devolvernos las tarifas que le imponía a nuestros productos.

En 1917, ustedes impusieron la ciudadanía Americana. La legislatura de Puerto Rico, presidida por quien honramos hoy, don José de Diego, aprobó unánimemente una resolución que establecía, que aunque se respetaba la ciudadanía Americana, mantenía su oposición a ser declarados en su contra, ciudadanos Americanos, intentando despojarnos de la ciudadanía Puertorriqueña. Desde la década de los treinta, el pueblo Puertorriqueño a través de sus sectores ideológicos y políticos, han desarrollado todas las formas de lucha concebibles, para conseguir que Estados Unidos colaborara en la solución del status político.

El cabildeo de los estadistas, las grandes demostraciones electorales del Partido Popular y la lucha armada del Partido Nacionalista no fueron suficiente para adelantar a nuestro pueblo en su lucha por la libre determinación y autogobierno. Se desató una represión contra las fuerzas políticas Puertorriqueñas y en especial, contra el independentismo.

El Director del FBI, Edgar Hoover, le informaba al Secretario de Justicia de los Estados Unidos con gran preocupación, que la legislatura de la isla había aprobado una ley para que se celebrara

un plebiscito. Como consecuencia de esa intención, se desató una persecución contra las fuerzas Puertorriqueñas.

En el 1952, señor Presidente, como resultado de uno de los logros más importantes de nuestra historia como nación y por ejercer ese derecho a la libre determinación, nuestro pueblo aprueba una constitución, de las más completas del mundo. En 1952, se creó el Estado Libre Asociado, en el entendido, que se creaba una nueva fórmula de relación no- colonial con los Estados Unidos. El Congreso Norteamericano eliminó la Sección 20 de nuestra Constitución, atropellando la voluntad de nuestro pueblo, y maculando el ejercicio a la libre determinación.

Como resultado de la creación del ELA, el Gobierno de los Estados Unidos fue a las Naciones Unidas y consiguieron que se le eximiera de seguir brindando informes obligatorios, basado en que Puerto Rico había entrado en una nueva relación no- colonial con los Estados Unidos. El Proyecto 856, presentado por el señor Presidente y avalado por otros congresistas concluye, que Puerto Rico sigue siendo una colonia de los Estados Unidos. Esta aseveración nos lleva entonces a la conclusión de que Estados Unidos engañó a las Naciones Unidas y engañó a la humanidad en el 1953. Esto demuestra el aspecto moral de esta controversia.

Se ha señalado que el Partido Popular al que yo pertenezco, colaboró con ustedes en el engaño. Primero, creo que es bien injusto dentro de la relación de fuerza entre Estados Unidos y Puerto Rico, siendo nosotros los más en desventaja y donde ha predominado la fuerza de la imposición, aceptemos nuestra parte en la responsabilidad de los Puertorriqueños en el engaño. Señor Presidente, yo le digo que aún así, yo acepto la parte que pueda haber de esa responsabilidad histórica. Ahora bien, yo pregunto, ¿aceptan ustedes la responsabilidad moral del Gobierno de los Estados Unidos por ese engaño?

La relación de 1953... Ustedes le deben una explicación al pueblo Puertorriqueño. Si el reconocer esa situación significa que en esta ocasión el proceso se marcará dentro de las normas del derecho internacional, al día de hoy, para comenzar a cumplir con ese derecho y obligación, ustedes le deben a las Naciones Unidas cuarenta y cinco informes correspondientes por cada uno de los años del 1952 que no se ha cumplido. Desde el 1952 al presente, y en una demostración de buena fe y anhelo del pueblo Puertorriqueño por resolver su status, se han celebrado dos plebiscitos, se han creado comisiones, comités ad hoc, se han radicado proyectos en el Congreso, se dio el proceso del 1989 y aquí estamos como empezamos. Como diría don Luis Muñoz Marín, "Estamos en una situación donde cada punto es un 'turning point' porque estamos moviéndonos en círculos."

Para romper este círculo señor Presidente y terminar, vamos a ver y tener un verdadero derecho a la libre determinación, de acuerdo a lo que establece el derecho internacional. Yo, que creo en lo establece ese derecho internacional para la asociación con soberanía entre dos naciones, la libre asociación, lo acepto. Ahora bien, ¿aceptan ustedes que entienden que Puerto Rico es una colonia, y por ende no puede ser un caso doméstico, la aplicación del derecho internacional en este proceso?

Finalmente les señalo, que ustedes tienen un problema de índole moral con Puerto Rico y como ustedes saben, en este ámbito no puede haber puntos intermedios. No se puede ser el líder de la democracia en el mundo y atropellar la voluntad de un pueblo durante cien años. En ese sentido, rechazo la utilización de la ciudadanía Americana como forma de chantaje contra amplios sectores de nuestro pueblo para favorecer a una de las opciones, la estadidad. Eso es un acto de agresión, característico de la política de las cañoneras. El jugar con las lealtades y la querencias de un pueblo. Ustedes impusieron la ciudadanía Norteamericana cuando nadie la pidió. Ahora tienen que asumir la responsabilidad por sus actos. Lo que se da, no se quita. No piérdanle perspectiva que la paciencia del pueblo, por más pequeño que sea, tiene su límite y puestos contra la pared no se suicidan, sino que se reafirman.

Muchas gracias.

Mr. UNDERWOOD. Now we have the Honorable Rony Jarabo, who is the former Speaker of the House of Representatives. Sir, you may proceed.

STATEMENT OF THE HONORABLE RONY JARABO, FORMER SPEAKER OF THE PUERTO RICO HOUSE OF REPRESENTATIVES, POPULAR DEMOCRATIC PARTY, SAN JUAN, PUERTO RICO

Mr. JARABO. Thank you, sir. Acting Chairman Underwood, former Governor and Resident Commissioner Carlos Romero-Barceló, Congressman Miller, I come before you as a deeply concerned citizen who finds the design of the process of consultation and implementation of status preference as proposed by H.R. 856 very peculiar, highly objectionable, and very unfair to the people of Puerto Rico. Decisions on the political destiny of a people are a very serious matter, of such proportions and consequences that they should exclude partisan and sectarian biases that prejudice the merits of the questions involved.

The exercise of a nation's most fundamental right, the right to self-determination, and the possibly irreversible results that ensue thereof, should be framed in a process that is equitable to all competing options, not slanted in favor of one of them. The process should embody effective moral, political, and legal commitments of all entities with a deciding role so that they shall be obligated to act on the people's mandate within a reasonable time.

Admittedly, the criteria of political feasibility is relevant and, indeed, essential to the responsible legislative choices that must be made when drafting a bill that purports to be a means of self-determination. But such criteria should be applied evenhandedly, with fair play as the guiding spirit of its application to all options in the process, not just to the obvious target of the bill's design.

Certainly the process should facilitate solutions to existing problems and not create new ones that cannot be solved. I am deeply worried that we may be placing Puerto Rico on a sure course to a no-exit situation, whereby the existing political reality, Commonwealth, is the means and disqualified; and the other probable choice, the other alternative with sufficient political backing, there is no commitment as to it.

So we could end up recognizing or viewing what we have as unacceptable and not being able to get what supposedly is acceptable. I feel that would be a much worse situation than what Puerto Rico now has in the present. And I feel that this Committee, and Congress in general, have a very special historic responsibility that this situation not be created.

I respectfully submit to you that H.R. 856 does not meet the minimum basic requirements of a bill that fairly offers a means to legitimate and effective self-determination. Accordingly, I respectfully propose to you that this bill be amended as follows:

Eliminate all provisions on findings that demean the option of Commonwealth or that assume that nothing of political, historic, or of constitutional relevance happened when Commonwealth was created. They are unnecessary to the bill but they slant the balance, the competitive balance, between the options before the people of Puerto Rico.

Avoid the dualistic or bipolar approach of separate sovereignty versus the formulas for union. I know you are getting an intensive course in the labyrinth of Puerto Rican status politics. I know that you have argued about sovereignty and citizenship, and maybe by now you have realized that the word and the concept of sovereignty in Puerto Rico is used at least in three different meanings:

One, natural, or inherent sovereignty, which means the inherent sovereignty of a people, the ultimate source from which a political entity derives its authority. Which means the right to self-government. Which means the right to self-determination; Sovereignty of a political entity within the Federal system of self-governing units within a Federal system, which means reserved powers, retained rights. As, for example, the rights of States, not delegated to the Federal Government according to the 10th amendment of the Federal Constitution. Or the Commonwealth sovereignty, "over matters not ruled by the U.S. Constitution." The quote is from the U.S. Supreme Court; And the third meaning of a concept of sovereignty in Puerto Rico is national sovereignty, which is what the bill calls sovereignty. Separate sovereignty, of course. The full sovereignty of independent states, which as an essential characteristic exclude other entities; authority over the same jurisdiction.

There is no conflict between the sovereignty of Puerto Rico understood in the first or second meanings of the concept and U.S. citizenship for Puerto Ricans as it exists under current Commonwealth status. It is a basic flaw of H.R. 856 to equate statehood with the only possible guarantee of permanent U.S. citizenship.

I submit to you that the nature of citizenship is one irrespective of its constitutional or statutory origin. I believe we are afforded the same guarantees against loss of citizenship that Afroean versus Rusk defined for all citizens.

The fact that voting rights of citizens vary according to the political entity in which they reside, as do benefits under Federal programs and tax obligations, does not invalidate the principle of one class of citizenship. These differences are a consequence of residence, not of citizenship, not of "levels of citizenship."

The Nationality Act provides that for the purposes of nationality, U.S. citizens born in Puerto Rico shall be deemed to have been born in the United States, thus bridging the gap of nonincorpora-

tion. I believe this bill should not create a gap between Puerto Rican born U.S. citizens, natural born U.S. citizens, and fellow citizens born in one of the States of the Union.

There is no gap in the battlefield, there is no gap as to due process and equal protection of the laws, there should be no gap as to citizens.

I know I am running short of time.

Mr. UNDERWOOD. You have run out of time, but, please continue.

Mr. JARABO. Well, there are a number of—

Mr. UNDERWOOD. Would you please wrap it up, sir?

Mr. JARABO. Yes. I will back Congressman Miller's point of view as to the Commonwealth definition. I could answer questions on it. There is nothing unusual or heretical or unconstitutional in it.

I would like to end my testimony by addressing a number of matters on statehood which deeply worry me.

As I said before, there is no commitment that statehood will be granted even if statehood wins. I find that very unfair.

I think that this bill should, in the absence of the resolution expressing the sense of Congress that statehood is possible, that Congress would be willing to grant statehood, if statehood wins in Puerto Rico or if statehood reaches the required majority and sustains it; because it should worry you that since 1964 only twice, the third time this year, a party has repeated its electoral victory. In 1964, PDP, the Popular Democrat Party won, in 1968 the PNP; in 1972. So it goes back and forth. So you could have a status decision here and the consensus would not hold in 4 years or 8 years.

I believe there should be a policy established here as to the possibility of statehood. It is a very relevant and very essential factor of the debate on Puerto Rican status whether statehood is possible or not. And as you know, the consensus analysis of what happened with the Senate bill in 1990–91 was that the Republican Senators would not vote for the bill because it had automatic provision for statehood, if statehood won.

Second—

Mr. UNDERWOOD. One final point, sir.

Mr. JARABO. OK. On the language issue. I believe no condition should be imposed on Puerto Rico, in the event of statehood, that would not be imposed equally when it is imposed on the rest of the States.

There should not be a provision that seems to place Puerto Rico in a different light than what other States would be. And that there should be in this bill, in this bill, policy established as to Spanish in the event that statehood would win and that Puerto Rico would become a State of the Union.

I believe that a plebiscite every 4 years is excessive.

Mr. UNDERWOOD. Now you have gone from language to the plebiscite.

Mr. JARABO. That is my last point, Chairman Underwood.

Mr. UNDERWOOD. Thank you very much. All of this is very interesting testimony.

I wanted to ask a quick question of Mr. Castro Font. I read about the vote in the newspaper. You alluded to it in your written testimony but you did not say it in your statement. Does your political

party have a unified stand on who should be eligible to vote in this political status process?

Mr. FONT. I didn't have that in my address today because of the time, but you read the papers; so, good.

Mr. UNDERWOOD. I tried to.

Mr. FONT. Let me tell you something. I am a very pragmatic man, let me tell you. I believe the only people that have the authority to vote in Puerto Rico must be the residents of the Island of Puerto Rico, and that is my point of view.

I am pro-Commonwealth. I am a member of the Popular Party, but I am a very pragmatic man. I believe this is fair. The fairness of the process is, if you are going to a plebiscite in 1998, you have to fix that definition, and also the only people that must have the right to vote are the people living in Puerto Rico, and if they apply the electoral law of Puerto Rico for the year of residency in Puerto Rico.

Mr. COLBERG-TORO. Sí, señor Presidente, en cuanto a esa pregunta, nosotros diferimos respetuosamente del compañero. El Partido Popular no ha definido su posición en cuanto a eso y la que se ha discutido... La que se ha discutido ha sido de que Puerto Rico es una sola nación. Y eso incluye los Puertorriqueños que viven en los Estados Unidos, que son tan Puertorriqueños como nosotros los que vivimos aquí en la isla.

Nosotros entendemos que es justo y razonable, que siendo una sola nación y se vaya a definir... Se vaya a definir el futuro de la nación, sean los nacionales, los Puertorriqueños eh... No importa dondequiera que estos se encuentren. Y un ejemplo clásico sería el Puertorriqueño que lleva tiempo viviendo en los Estados Unidos, tiene siempre el deseo de regresar a Puerto Rico o que ha regresado, lleva veinte años, y esa persona y sus hijos son Puertorriqueños no pudiera votar cuando viene una persona que cumpla con la ley electoral y simplemente sea un residente de un año en Puerto Rico, ese sí pueda votar en la decisión de un pueblo. Parece que hay una gran contradicción y que es un punto por lo cual me parece que debe ser evaluado y sobre todo, si se va a cumplir con el derecho internacional.

[The prepared statement of Mr. Colberg-Toro follows:]

**PONENCIA REPRESENTANTE SEVERO E. COLBERG TORO
SOBRE EL PROYECTO 856, PRESENTADO ANTE LA CAMARA DE
REPRESENTANTE DE LOS ESTADOS UNIDOS**

SALUDOS AL PRESIDENTE DE LA COMISIÓN Y AL RESTO DE LOS CONGRESISTAS.

EL PROYECTO H.R. 856 SUPONE EL ESTABLECER UN PROCESO QUE LLEVE A PUERTO RICO A UN COMPLETO GOBIERNO PROPIO. PARA QUE ESE OBJETIVO SE CUMPLA HAY QUE GARANTIZAR QUE LOS PUERTORRIQUEÑOS PUEDAN OPTAR ENTRE LAS ALTERNATIVAS EN FORMA LIBRE, SIN PRESIONES O MANIPULACIONES. EL PROCESO TIENE QUE SER UN EJERCICIO DEL DERECHO A LA LIBRE DETERMINACIÓN.

CON EL HISTORIAL DE IMPOSICIÓN Y ATROPELLO A QUE ESTADOS UNIDOS NOS HA SOMETIDO DURANTE CASI 100 AÑOS, ¿QUÉ RAZONES TENDRÍAMOS EN ESTA OCASIÓN LOS HIJOS DE ESTA TIERRA PARA PENSAR QUE ESTE ES UN PROCESO VERDADERO DE LIBRE DETERMINACIÓN?

VEAMOS EL HISTORIAL ANTIDEMOCRÁTICO SOBRE PUERTO RICO POR PARTE DEL GOBIERNO DE ESTADOS UNIDOS, QUIEN HA ACTUADO DE ACUERDO A SU INTERÉS Y EN VIOLACIÓN DE LOS PRINCIPIOS MORALES, LOS CUALES ESTADOS UNIDOS SE VANAGLORIA DE SER EL PALADÍN A NIVEL MUNDIAL.

EL 25 DE JULIO DE 1898 TROPAS NORTEAMERICANAS INVADIERON A PUERTO RICO. LA CIUDAD DE SAN JUAN FUE BOMBARDEADA PONIENDO EN PELIGRO LA VIDA DE MUJERES Y NIÑOS BORICUAS. ESTADOS UNIDOS IMPUSO EN NUESTRA PATRIA UN REGIMEN MILITAR QUE DICTATORIALMENTE TRASTOCÓ TODO NUESTRO SISTEMA DE VIDA. EN EL 1909 EL CONGRESISTA HENRY COOPER PENSABA QUE LOS ESTADOS UNIDOS DEBERÍA CONVERTIR LA ISLA COMPLETA EN UNA BASE NAVAL. DIJO: "QUEREMOS QUE PUERTO RICO NOS AYUDE A CONVERTIR EL GOLFO DE MÉXICO EN UN LAGO AMERICANO. QUEREMOS ESO POR MOTIVOS DE DEFENSA NACIONAL." (TRADUCCIÓN NUESTRA)

LA LEY FORAKER DE ESTADOS UNIDOS NOS IMPUSO UN GOBIERNO CIVIL. ESTE REGIMEN FUE EVALUADO Y COMPARADO CON EL SISTEMA NORTEAMERICANO BAJO LA ADMINISTRACION CARTER. DICHO INFORME DETERMINÓ QUE EN TODOS LOS SENTIDOS NO ADQUIRIMOS NADA MEJOR DE LO QUE TENÍAMOS. INTENTÓ IMPONER EL INGLÉS EN LA EDUCACIÓN Y LA JUDICATURA. ECONÓMICAMENTE LOS ESTADOS UNIDOS NO HIZO NADA DE LO QUE YA HACIA ESPAÑA AL DEVOLVERNOS LAS TARIFAS QUE LE IMPONÍA A NUESTROS PRODUCTOS.

EN 1917 USTEDES NOS IMPUSIERON LA CIUDADANÍA AMERICANA. LA LEGISLATURA DE PUERTO RICO, PRESIDIDA POR QUIEN HONRAMOS HOY, DON JOSÉ DE DIEGO, APROBÓ UNÁNIMEMENTE UNA RESOLUCIÓN QUE ESTABLECÍA QUE AUNQUE SE RESPETABA LA CIUDADANÍA AMERICANA, MANTENÍA SU OPOSICIÓN A SER DECLARADOS EN SU CONTRA CIUDADANOS AMERICANOS, INTENTANDO DESPOJARNOS DE LA CIUDADANÍA PUERTORRIQUEÑA.

ESTA DISCUSIÓN AVIVÓ LA LUCHA NACIONAL PUERTORRIQUEÑA Y EL RECLAMO ANTE ESTADOS UNIDOS. SOBRE ESTE DEBATE EL CONGRESISTA MILLER EXPRESÓ LO CLAVE QUE ERA PUERTO RICO PARA LA DEFENSA DE TODO EL CONTINENTE CONTRA LA AGRESIÓN EUROPEA. "QUE PUERTO RICO NUNCA PODRÁ SALIRSE DEBAJO DE LA SOMBRA DE LAS BARRAS Y LAS ESTRELLAS" (TRADUCCIÓN NUESTRA).

DESDE DE LA DÉCADA DE LOS 30 EL PUEBLO PUERTORRIQUEÑO A TRAVÉS DE SUS SECTORES IDEOLÓGICOS Y POLÍTICOS DESARROLLAN TODAS LAS FORMAS DE LUCHA CONCEBIBLES PARA CONSEGUIR QUE ESTADOS UNIDOS COLABORARA EN LA SOLUCIÓN DEL STATUS POLÍTICO. EL CABILDEO ESTADISTA, LAS GRANDES DEMOSTRACIONES ELECTORALES DEL P.P.D. Y LA LUCHA ARMADA DEL PARTIDO NACIONALISTA NO FUERON SUFICIENTE PARA ADELANTAR A NUESTRO PUEBLO EN SU LUCHA POR LA LIBRE DETERMINACIÓN Y AUTOGOBIERNO. SE DESATÓ UNA REPRESIÓN CONTRA LAS FUERZAS POLÍTICAS PUERTORRIQUEÑISTAS Y EN ESPECIAL CONTRA EL INDEPENDENTISMO. EL DIRECTOR DEL F.B.I., J. EDGAR HOOVER, LE INFORMABA AL SECRETARIO DE JUSTICIA DE ESTADOS UNIDOS CON GRAN PREOCUPACIÓN QUE LA LEGISLATURA DE LA ISLA HABÍA APROBADO UNA LEY PARA QUE SE CELEBRARA UN PLEBISCITO. COMO CONSECUENCIA DE ESA INTENCIÓN SE DESATÓ UNA PERSECUCIÓN CONTRA LAS FUERZAS PUERTORRIQUEÑISTAS.

EN 1952, COMO RESULTADO DE UNO DE LOS LOGROS MÁS IMPORTANTES EN NUESTRA HISTORIA COMO NACIÓN POR EJERCER EL DERECHO A LA LIBRE DETERMINACIÓN, NUESTRO PUEBLO APRUEBA UNA CONSTITUCIÓN DE LAS MÁS COMPLETAS DEL MUNDO. EN 1952 SE CREO EL ESTADO LIBRE ASOCIADO ENTENDIDO DE QUE SE CREABA UNA NUEVA FORMA DE RELACIÓN NO COLONIAL CON ESTADOS UNIDOS. EL CONGRESO NORTEAMERICANO ELIMINÓ LA SECCIÓN 20 DE NUESTRA CONSTITUCIÓN ATROPELLANDO LA VOLUNTAD DE NUESTRO PUEBLO Y MACULANDO EL EJERCICIO DE LA LIBRE DETERMINACIÓN. COMO RESULTADO DE LA CREACIÓN DEL E.L.A. EL GOBIERNO DE LOS ESTADOS UNIDOS FUE A LAS NACIONES UNIDAS Y CONSIGUIERON QUE SE LE EXIMIERA DE SEGUIR BRINDANDO LOS INFORMES OBLIGATORIOS BASADO EN QUE PUERTO RICO HABIA ENTRADO EN UNA NUEVA RELACIÓN NO COLONIAL CON LOS ESTADOS UNIDOS.

EL PROYECTO 856 PRESENTADO POR USTED Y AVALADO POR OTROS CONGRESISTAS CONCLUYE QUE PUERTO RICO SIGUE SIENDO UNA COLONIA DE LOS ESTADOS UNIDOS. ESTA ASEVERACIÓN NOS LLEVA ENTONCES A LA CONCLUSIÓN DE QUE ESTADOS UNIDOS ENGAÑÓ A LAS NACIONES UNIDAS, ENGAÑÓ A LA HUMANIDAD EN 1953. ESTO DEMUESTRA EL ASPECTO MORAL EN ESTA CONTROVERSIA. SE HA SEÑALADO QUE EL P.P.D. AL QUE YO PERTENEZCO COLABORÓ CON USTEDES EN ESE ENGAÑO. PRIMERO, CREO QUE ES BIEN INJUSTO QUE DENTRO DE LA RELACIÓN DE FUERZA ENTRE ESTADOS UNIDOS Y PUERTO RICO, SIENDO NOSOTROS LOS MÁS EN DESVENTAJA Y DONDE HA PREDOMINADO LA FUERZA DE LA IMPOSICIÓN ACEPTAMOS NUESTRA PARTE EN LA RESPONSABILIDAD DE LOS PUERTORRIQUEÑOS EN ESE ENGAÑO.

SEÑOR PRESIDENTE, YO LE DIGO QUE YO ACEPTO LA PARTE QUE PUEDA HABER DE ESA RESPONSABILIDAD HISTÓRICA. AHORA BIEN, YO EXIJO ¿ACEPTAN USTEDES LA RESPONSABILIDAD MORAL DEL GOBIERNO DE ESTADOS UNIDOS POR ESE ENGAÑO A LA HUMANIDAD?

EN RELACIÓN AL ENGAÑO DE 1953 USTEDES LE DEBEN UNA EXPLICACIÓN AL PUEBLO DE PUERTO RICO, SI EL RECONOCER ESA SITUACIÓN SIGNIFICA QUE EN ESTA OCASIÓN EL PROCESO SE ENMARCARÁ DENTRO DE LAS NORMAS DEL DERECHO INTERNACIONAL. AL DÍA DE HOY, PARA COMENZAR A CUMPLIR CON ESE DERECHO Y OBLIGACIÓN USTEDES LE DEBEN A LAS NACIONES UNIDAS 45 INFORMES CORRESPONDIENTES UNO POR CADA AÑO DESDE EL 1952, QUE NO HAN CUMPLIDO.

DESDE 1952 AL PRESENTE Y EN UNA DEMOSTRACIÓN DE LA BUENA FE Y EL ANHELO DEL PUEBLO PUERTORRIQUEÑO POR RESOLVER SU STATUS, SE HAN CELEBRADO 2 PLEBISCITOS, SE HAN CREADO COMISIONES, COMITÉS AD HOC, SE HAN RADICADO PROYECTOS EN EL CONGRESO, SE DIÓ EL PROCESO DE 1989 Y AQUÍ ESTAMOS CASI COMO EMPEZAMOS, COMO DIRÍA DON LUIS MUÑOZ MARÍN ESTAMOS EN UNA SITUACIÓN DONDE CADA PUNTO ES UN "TURNING POINT" PORQUE ESTAMOS MOVIÉNDONOS EN CÍRCULO.

PARA ROMPER CON ESE CÍRCULO TENEMOS QUE DESARROLLAR UN PROCESO VERDADERO DE LIBRE DETERMINACIÓN DE ACUERDO A LO QUE ESTABLECE EL DERECHO INTERNACIONAL. YO, QUE CREO EN LO QUE ESTABLECE ESE DERECHO PARA LA ASOCIACIÓN CON SOBERANÍA ENTRE DOS NACIONES; LO ACEPTO. AHORA BIEN ¿ACEPTAN USTEDES, QUE ENTIENDEN QUE PUERTO RICO ES UNA COLONIA Y POR ENDE NO PUEDE SER UN CASO DOMÉSTICO, LA APLICACIÓN DEL DERECHO INTERNACIONAL EN ESTE PROCESO?

FINALMENTE, LES SEÑALO QUE USTEDES TIENEN UN PROBLEMA DE ÍNDOLE MORAL CON PUERTO RICO Y COMO USTEDES SABEN EN ESTE ÁMBITO NO PUEDEN HABER PUNTOS INTERMEDIOS. NO SE PUEDE SER EL LÍDER DE LA DEMOCRACIA EN EL MUNDO Y ATROPELLAR LA VOLUNTAD DE UN PUEBLO DURANTE 100 AÑOS. EN ESE SENTIDO, RECHAZO LA UTILIZACIÓN DE LA CIUDADANÍA AMERICANA COMO FORMA DE CHANTAJE CONTRA AMPLIOS SECTORES DE NUESTRO PUEBLO PARA FAVORECER UNA DE LAS OPCIONES. ES UN ACTO DE AGRESIÓN, CARACTERÍSTICO DE LA POLÍTICA DE LAS CAÑONERAS, EL JUGAR CON LAS LEALTADES Y LAS QUERENCIAS DE UN PUEBLO. USTEDES IMPUSIERON LA CIUDADANÍA NORTEAMERICANA CUANDO NADIE SE LAS PIDIÓ Y AHORA TIENEN QUE ASUMIR LA RESPONSABILIDAD POR SUS ACTOS. LO QUE SE DA NO SE QUITA.

NO PIERDAN DE PERSPECTIVA QUE LA PACIENCIA DEL PUEBLO POR MÁS PEQUEÑO QUE SEA, TIENE SU LÍMITE Y PUESTOS CONTRA LA PARED NO SE SUICIDAN SINO QUE SE REAFIRMAN.

Mr. UNDERWOOD. My only point was, I wanted to know whether the party had a position, and it appears it does not.

Mr. JARABO. In the past, Mr. Chairman, the party has made public statements backing the vote by Puerto Rican-born citizens and leaving the door open, given the problem of logistics, as to children born of Puerto Rican parents and living in the States.

That is the past. I don't know what the present position would be.

But let me just point out that if this is a process of self-determination, it seems to me the only valid option is that all Puerto Rican-born citizens would be able to vote.

Whether non-Puerto-Rican-born citizens residing in Puerto Rico could vote, that is a different question, whether you would consider them as a different segment of the vote, because they are part of the people of Puerto Rico, because they reside here, they are citizens of Puerto Rico, their children have been born here, that type of consideration.

But as to the first question, I believe all Puerto Rican-born should be able to vote.

Mr. FONT. Mr. Chairman, very briefly, I want to add something, because you are mistaken. This is my personal belief. I want to say something to you.

My family is the Castro family. We came to Puerto Rico 500 years ago from Spain, 500 years. I have cousins in California, I have cousins in North Carolina, I have Puerto Ricans, the Castro family, in Florida and New York. I don't vote for the decision of my fellow cousins in the United States mainland.

Mr. UNDERWOOD. Very good, understood.

Before we go to the other members, just briefly on the issue of reporting in the United Nations, I want to share an issue with you. The issue of how that is portrayed is one that I have watched very carefully.

In the case of Guam, Guam is still on the list of non-self-governing territories at the United Nations. It was communicated to me in no uncertain terms that had Guam adopted what was called a constitution of self-government, then the U.S. Government would have moved toward removing Guam from the list, even without a particular change in political status. So the issue has many different dimensions to it.

I have run out of time, and I will go to Mr. Miller from California.

Mr. MILLER. Thank you, Mr. Chairman.

I appreciate your question on eligibility to vote. As you know, we have been approached by our colleague, Mr. Serrano, who is deeply concerned about that issue, and I am sure we will be debating it.

As he points out, we can resolve it in a manner in which he can be a Puerto Rican with a vote in Congress but no vote in Puerto Rico, which would be an interesting turn of events.

I really don't have a question. I want to again make a couple of defining remarks here about this process. It has been suggested by various witnesses that we have had, both in Washington and here—that somehow each of these definitions ties you down to a specific status, and in some cases that is heralded as a benefit, and

in others it is suggested that is a detriment. Again, it is depends on who is characterizing this.

I would only state this process comes at a rather unique time in our own history, when the Congress is in the process of redefining the status of many of the States. We are handing off burdens to many of the States, some of which they asked for and think they can handle, and others which they are now quite alarmed at having to deal with.

We also find our own courts now taking another look at the powers of the Congress with respect to the commerce clause vis-a-vis the States and obligations that we can place on those, and even the obligations we can place on individual citizens.

The general use of our system is that it is, in fact, a fluid system. It is never static, it is constantly changing within those relationships. And that is why, again, I would argue that this process remain as open as possible and as fair as possible, because eventually the decisions that will have to be made on both sides of the equation are very, very serious decisions.

As we properly should, we continue to dwell on the decisions that the people of Puerto Rico will have to make. I suggest to you that many Members of Congress, when they realize that this is in fact a very real legislative proposal, this will be every bit as serious a decision for them as any vote they cast in the Congress of the United States. Some of them will come to that realization sooner than others.

But the fact is, by the time we vote on the Floor of the House of Representatives and the U.S. Senate and pass this to the President of the United States, this will be a very real concrete decision for Members of Congress.

For that reason, I just continue to argue that we should remain open to all suggestions. Again, we will not accept all suggestions, by any means, but that is the process, and we have got to make sure as we take that first step, which will be the presentation of this legislation, that all parties feel truly enfranchised in that process.

I raise that point for some of the reasons that some of you raised it here and the previous panel raised it. I think it is maybe the most important gift that this Committee can give to the process, is that all concerned citizens of Puerto Rico truly feel enfranchised by this Committee.

I know that Carlos and Congressman Young have worked very hard to do that. We had a lot of negotiations, and we will continue to have those, to make sure that, in fact, people who are in this room and watching this and participating in this long and historical debate believe that the Congress served them well. As we have already heard, some of you are not so sure of that today. But that is our obligation back to you.

I thank you, Mr. Chairman.

Mr. UNDERWOOD. Thank you.

Mr. ALZAMORA. Mr. Chairman, I want to clarify something very important. Se trata, como portavoz del Partido Popular en este... En este grupo, dejar una cosa bien clara para el récord. La posición oficial del Partido Popular Democrático, que fue aprobada en una resolución y que no ha sido revocada, es que los nacionales

Puertorriqueños no importa donde vivan, participen en el plebiscito que tenga que ver con el futuro de el país. La posición del querido compañero de Castro Font se la respetamos. Es un... Como él ha dicho, su opinión personal. Pero la oposición oficial del partido, hasta tanto no sea revocada y no anticipo que vaya a ser revocada, es que todo nacional Puertorriqueño pueda votar en relación al futuro del [U/I].

Mr. UNDERWOOD. Thank you for that clarification.

Mr. Romero-Barceló?

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman.

I want to start first of all by saying that we talk about the vote of people that do not reside in Puerto Rico. We have too short a time to discuss the logistics of it, but the logistics are just impossible. So to try to do that is the way of derailing the process.

The other thing: As far as some people claim, there are 3.3 million Puerto Ricans residing in the mainland, 50 States of the Union, and in other countries. To give them the same process of identification as we do here for those who vote here and to issue them a voting card with a photograph, it would just be logistically impossible.

The other thing that I would like to let you be aware of: This is a process where we are asking that each group say what it is they want from Congress; in other words, how do they define the formula? But you must also be aware of, this is not a one-way street, this is a two-way street.

One thing is what you might want to see, and the other thing is what can be reasonable or what others are going to be willing to accept. Each Congressman and each Senator responds to their citizens in their State.

So when you claim, for instance, that you want to have equal benefits in Federal programs and yet you are not willing to pay Federal income tax, well, you have to be aware, whether it is constitutional or not, how does that sit with the citizens of the 50 States who do have to pay Federal income taxes? That is part of the things that each Congressman and each Senator is going to weigh.

So one thing is what you might want, and the other things is what Congress is going to be willing to give.

Then the other thing is, when you ask that the Congress commit themselves, and I see that you underscore when they commit themselves to statehood, 37 territories became States after the original Thirteen Colonies, and those 37 territories, none of them were offered or guaranteed statehood. They had to go through a process. They had to ask for statehood. In some instances it was a very short time, and in some instances it was a very long time.

But you think that we should be guaranteed something that has not been guaranteed historically to anyone else? I know you have great concerns for statehood. Please, let us deal with that. We will take our chances. We will take our chances.

The other thing I wanted to say: When you think of a sovereign nation—and Puerto Rico is a sovereign nation with U.S. citizenship—do you, as a sovereign nation, think Puerto Rico should abide by the Federal banking laws or not—the banking laws adopted by Congress, or not?

Mr. ALZAMORA. Bueno, la—la soberanía de Puerto Rico la reconoce el propio Congreso de los Estados Unidos, cuando en la Ley 600—

Mr. ROMERO-BARCELÓ. Please, I know that you can evade answering my question and you can talk for the rest of the time, but I am trying to get a point across so the people understand what it is that you want in your choice. Do you think in the new Commonwealth—would you expect the banking laws that were then adopted by the Congress—do you think they should be applicable to Puerto Rico, yes or no?

Mr. ALZAMORA. Bueno, yo le voy a contestar conforme a como yo entiendo que debo contestar mi pregunta no como usted desea que yo se la conteste. La propuesta del Estado Libre Asociado está clara. En el Inciso C en particular, habla de una asamblea constituyente especial para cualquier cosa que no esté debidamente definida dentro del concepto de mejorar el Estado Libre Asociado a obtener el máximo de autonomía y que nosotros podamos decidir sobre la legislación Federal a aplicarla o no. Esa asamblea constituyente estaría a cargo de redactar todo ese proceso que es bastante detallado. Por lo tanto, eso no puedo contestarlo con un sí o un no. Ahora, si para complacerlo más, le puedo decir lo siguiente. Dénos la oportunidad a que se acepte esta definición. Estoy seguro que con esta definición volverá a ganar por tercera ocasión el Estado Libre Asociado y esa asamblea constituyente se encargará de esa preocupación.

[Applause.]

Mr. ROMERO-BARCELÓ. When the Congressmen or Senator asks me, with this definition of "New Commonwealth," when we pass banking laws, are they going to be applicable to Puerto Rico, I say I don't know. How can we make a decision?

Mr. ALZAMORA. Pero precisamente, la Asamblea Constituyente especial atenderá todo aquello que tenga que ver con la aplicabilidad de leyes Federales.

Mr. ROMERO-BARCELÓ. So I cannot answer them, because then they want to know. But they want the entitlements. On that they are clear; they want the money, but not the obligation.

Mr. ALZAMORA. Pero es que la—el desarrollo del Estado Libre Asociado obviamente tiene que estar basado en primero, en un mandato del pueblo. A pesar de que han habido dos mandatos y Estados Unidos no los ha atendido gracias al boicot del liderato estadista en el Congreso, como en el del 1993 que ustedes lo propusieron y no nos permitieron entonces a nosotros trabajar en la forma que había que trabajar. Estamos aquí ahora mismo, debatiendo en un futuro status precisamente, porque al Estado Libre Asociado no le han permitido desarrollarlo por el boicot antidemocrático de las personas que pierden plebiscito en este país. Y entonces, ante esa realidad, pues estamos nuevamente en un proceso congresional ahora para poder definir la fórmula.

La estadidad se sabe cual es, una sola, Americana, la eliminación de la nacionalidad Puertorriqueña. La independencia se sabe cual es, separarse de Estados Unidos. El Estado Libre Asociado tiene los parámetros básicos que se basa en la común ciudadanía, la común defensa, el común mercado, la común moneda y entonces la aspiración de mejorarlo, manteniendo esos cuatro pilares básicos

pero logrando el máximo de autonomía compatible con nuestra relación permanente con los Estados Unidos. Y por eso en el Inciso C proponemos como podemos desarrollar esa autonomía a base de que ley Federal se aplica Puerto Rico y cual no y que forma Puerto Rico pueda tener su presencia internacional. Eso está contestado en esta definición que hemos sometido.

Mr. ROMERO-BARCELÓ. It is not answered. You are just going around in circles, but you are not answering.

Just one final question. How do I answer when they ask me, this group of people that want U.S. citizenship, that one of the spokesman says, "I do not feel American"? What do you think their constituents of the Congressmen and Senators are going to say? Why do you want to give citizenship to those people that don't want it? Why? What can we tell them?

Mr. ALZAMORA. You don't have to give us citizenship; we have citizenship. Just nationality.

Mr. ROMERO-BARCELÓ. Why should we guarantee it?

Mr. ALZAMORA. Es que no hay—no hay que darles ciudadanía. La ciudadanía la tenemos igual que la nacionalidad. Lo que sucede—yo le pregunto a usted, si usted se siente—si usted se siente Puertorriqueño o Americano porque yo me siento—

Mr. ROMERO-BARCELÓ. Las dos cosas.

Mr. ALZAMORA. ... Puertorriqueño.

Mr. ROMERO-BARCELÓ. I feel both.

Mr. ALZAMORA. No, yo me siento Puertorriqueño—

Mr. ROMERO-BARCELÓ. I feel both.

Mr. ALZAMORA. [continuing] y ciudadano Americano. Son dos cosas distintas porque la nacionalidad no puede ser nada más que una. La ciudadanía puede ser dos como la tenemos en Puerto Rico, la Americana y la Puertorriqueña por naturaleza. Pero nacional uno es solamente de una nación, y nuestra nación es Puerto Rico.

Mr. ROMERO-BARCELÓ. Then you don't want to be a U.S. citizen. Will you defend it?

Mr. ALZAMORA. No, claro que la defenderé, claro que defendemos la ciudadanía Americana. La defendemos, claro que sí. La hemos defendido con nuestras vidas inclusive en las guerras, defendiéndola dentro del pacto que existe bilateral, que es parte de ese pacto, la ciudadanía Americana.

Mr. UNDERWOOD. Thank you. Thank you very much. I am sure we can continue this discussion ad infinitum. I would like to thank again the members of the panel.

Before I turn the gavel over to Mr. Miller, I would like to just take one small privilege and say, "Hafa Adai," which is the greeting in Guam, to all the people of Puerto Rico and Mayaguez who are watching this, and also take an opportunity to introduce a couple of people in the audience. One is Senator Elizabeth Barrett Anderson of the Guam Legislature. I see she is not there. The other is her staffer, Jim Underwood, who magically has the same last name. I don't know how that happened. He is my first cousin. He is also a former Senator of the Guam Legislature.

Thank you very much for being a good panel.

Mr. MILLER [presiding]. Thank you for your testimony and time and consideration of the Committee.

The next panel will be made up of Mr. Julio Muriente Perez, who is the president of the Puerto Rico New Movement Independent Party; Mr. Roberto Cardona Ubinas, president of the National Patriotic Union; Ms. Lolita Lebron, the president of the Nationalist Party of Puerto Rico; Mr. Frank Velgara, co-coordinator, Pro-Liberated; Mr. Carlos Gallisa, Hato Rey; and Dr. Edgardo Morales, professor of organizational psychology, University of Puerto Rico.

Welcome to the Committee.

Mr. Perez, we will begin with you.

Mr. GALLISA. Señor Presidente, antes de comenzar a deponer este panel queremos expresar nuestro profundo disgusto por la ausencia del señor Don Young que es el que preside este panel, y creemos que es una falta de respeto.

Mr. MILLER. Mr. Young is watching this testimony. Mr. Young happens to have a bad back. Mr. Young cannot sit through all of the testimony. He has been monitoring and watching the testimony, just as he did in San Juan.

Mr. GALLISA. Pues yo espero que así sea, pero de cualquier manera nos parece que el señor Young ha hecho un compromiso de venir a oír aquí a todo el mundo y que solamente está oyendo a un sector de los que se expresan aquí. Así que conste nuestra protesta desde este comienzo por la ausencia de él, que entendemos que es irrespetuosa.

Mr. MILLER. That is fine. That is simply an inaccurate statement.

Senor Perez, we begin with you.

**STATEMENT OF JULIO A. MURIENTE PEREZ, PRESIDENT,
PUERTO RICO NEW MOVEMENT INDEPENDENT PARTY, SAN
JUAN, PUERTO RICO**

Mr. MURIENTE PEREZ. Señores congresistas, mi nombre es Julio Antonio Muriente Pérez. Soy geógrafo y profesor universitario. Comparezco ante ustedes en calidad de Presidente del Nuevo Movimiento Independentista Puertorriqueño, hoy 21 de abril de 1997, fecha en que se conmemora treinta y dos años de la muerte del patriota don Pedro Alvisu Campos, cuya vida y ejemplo nos inspira como igualmente nos inspira compartir aquí con la heroína nacional Lolita Lebron, presente aquí con la misma firmeza con la que los enfrentó a ustedes... [Applause] En el Congreso el primero de marzo de 1954.

Hace casi noventa y nueve años, las tropas Estadounidenses invadieron Puerto Rico y nos tomaron como botín de guerra. Entonces no hubo plebiscitos ni consultas. Se apoderaron de nosotros a la fuerza. Desde entonces, Estados Unidos ha controlado nuestras vidas, ha impuesto sobre los Puertorriqueños las leyes que emanan del Congreso. Ha intentado imponer su lengua y su cultura, ha militarizado grandes porciones de nuestras tierras.

Esta situación de unilateralidad no varió con la creación del Estado Libre Asociado en el año 1952 y se mantiene hasta nuestros días. Casi noventa y nueve años después, ustedes señores congresistas, radican un proyecto de ley que han catalogado como de naturaleza descolonizadora sin contar con el parecer del pueblo Puertorriqueño, concebido y diseñado en función de sus intereses y de los intereses de un sector antinacional y antipatriótico que son

los eleccionistas que no representan el sentir de la mayoría del pueblo Puertorriqueño.

Ustedes le han pedido definiciones de status a los tres partidos políticos del país, pero en última instancia serán ustedes quienes decidan que definiciones aparecerán si el Proyecto Young se convierte en ley y si se implementa alguna consulta al pueblo. Incluso, si se diera dicha consulta, no se comprometen a reconocer los resultados de la misma.

Ustedes celebraron unas vistas públicas recientemente en Washington y celebran estas vistas públicas en Puerto Rico para dar la impresión de que el pueblo de Puerto Rico participa en este proceso. Pero la realidad es que ustedes aprobarán, si es finalmente aprueban algo, lo que a ustedes y solo a ustedes les convenga. Vistas públicas, que si para algo han servido, es para dividir aún más al pueblo Puertorriqueño en tribus irreconciliables.

Mientras tanto, al pueblo Puertorriqueño se le mantiene en las gradas mientras ustedes imponen sus decisiones en el campo de juego. Cuando decimos el pueblo Puertorriqueño, nos referimos tanto a quienes residimos en Puerto Rico como a los millones de compatriotas radicados en Estados Unidos y otras partes del planeta, que son hijos de esta tierra como el que más, y que tienen los mismos derechos fundamentales para decidir sobre el destino de este país.

El Proyecto Young, señores Congresistas, no representa un proceso descolonizador sino una imposición similar a la ley... A la Ley 600 de 1950. Ustedes, señores Congresistas, y la institución que ustedes representan, tienen que demostrar que tienen la voluntad para promover un proceso real y genuinamente descolonizador en Puerto Rico si es que interesan gozar de alguna credibilidad. Corresponde a ustedes reconocer que Puerto Rico es una nación sometida al colonialismo y que son ustedes la metrópoli que somete a esta nación Caribeña y Latinoamericana.

Tienen ustedes que reconocer que existe una legalidad internacional en materia de colonialismo que no comienza con la quince (15) cuarenta y uno (41) quince [sic] (XV) sino que está inspirada en la Resolución Quince Catorce (1514) Romanos quince (XV) de la ONU, la cual establece que todo proceso de descolonización tiene que estar precedido por una transferencia de poderes fundamentales de la metrópoli a la colonia. Sin esa transferencia de poderes, no puede haber proceso descolonizador.

Tienen ustedes que desistir de lanzar una escalada militar como lo es la imposición del Comando Sur de su ejército y la instalación de un sistema de radares por su Marina de Guerra. Sin desmilitarización, no puede haber proceso descolonizador. Tienen ustedes que dar muestra de su buena fe liberando a los quince (15) prisioneros políticos Puertorriqueños que purgan largas condenas en las cárceles Estadounidenses por el solo delito de luchar por la independencia de su patria.

Ustedes, señores Congresistas, y el Congreso que ustedes representan, tiene el poder para hacer eso y mucho más, si fuera su voluntad. Claro, también tienen el poder para imponer un proyecto de ley como el Proyecto Young, o más grave aún, tienen ustedes el poder para intentar imponernos la anexión, como nos han impuesto el colonialismo.

La anexión, quede absolutamente claro, no es una alternativa descolonizadora para la nación Puertorriqueña. Por el contrario, constituiría la consumación del colonialismo, y ello es inadmisibile.

Si prevalece como hasta ahora la soberbia colonial, o peor aún, si se intenta llevar a la nación Puertorriqueña al despeñadero que representa la anexión, sepan ustedes señores Congresistas y haganle saber a sus colegas en el Congreso, que Puerto Rico es un hueso duro de roer. No ha sido en vano que hemos logrado prevalecer como nación tras casi un siglo de colonialismo. Si hemos luchado por largo tiempo, primero contra el colonialismo español y luego contra ustedes, no tenemos ningún reparo, ninguno, en comenzar el siglo veintiuno combatiendo el colonialismo y la anexión.

Sepan ustedes, señores Congresistas, que la comunidad internacional está muy atenta a los pasos que de Estados Unidos para adelantar legítimamente la descolonización de Puerto Rico. Así quedó patentizado en la Conferencia Ministerial de la Organización de Países No Alineados celebrada así varios días en Nueva Delhi, India—a la cual asistimos.

Nosotros simplemente queremos alcanzar la meta que ustedes alcanzaron hace más de dos siglos. En 1776, el pueblo de las Trece Colonias hubiese rechazado firmemente un Proyecto Young proveniente de la metrópoli Británica, como nosotros hoy rechazamos este que proviene de la metrópoli Estadounidense.

Deseamos la autodeterminación e independencia, es decir, la verdadera descolonización y una relación de paz y respeto con Estados Unidos. Estamos dispuestos a ir a la mesa de negociaciones, pero también al campo de batalla como lo hemos hecho en el pasado.

En esta coyuntura tan injusta y desigual, corresponde a ustedes señores Congresistas, y al Congreso de Estados Unidos, ofrecer algo más que un proyecto de ley amañado, en el que una vez más se nos impone su criterio y que tal como se ha conducido este proceso, constituye un nuevo engaño y una pérdida de tiempo.

Concluyo señores Congresistas, leyendo para ustedes el fragmento de un poema, “Aleluya”, escrito por el patriota José de Diego, cuya vigencia y pertinencia es indiscutible. Dice así, “Hablamos otra lengua, con otro pensamiento, en la onda del espíritu y en la onda del viento y os estamos diciendo hace tiempo en las dos, que os vayáis con el diablo y nos dejéis con Dios.”

Muchas gracias.

[The prepared statement of Mr. Perez (in Spanish) follows:]



**Ponencia presentada por Julio A. Muriente Pérez, Presidente
del Nuevo Movimiento Independentista Puertorriqueño
(NMIP), en la Vista Pública sobre el Proyecto Young,
auspiciada por el Comité de Recursos de la Cámara de
Representantes de Estados Unidos.
San Juan, Puerto Rico.
21 de abril de 1997**

Señores Congresistas:

Mi nombre es Julio Antonio Muriente Pérez. Soy geógrafo y profesor universitario. Comparezco ante ustedes en calidad de presidente del Nuevo Movimiento Independentista Puertorriqueño.

Hace casi noventa y ocho años -el 25 de julio de 1898- las tropas estadounidenses invadieron Puerto Rico y nos tomaron como botín de guerra, luego de haber bombardeado la ciudad de San Juan por largas horas en la madrugada del 11 de mayo de ese mismo año, en el marco de la Guerra Hispano-cubano-americana.

Desde entonces Estados Unidos ha controlado nuestro territorio nacional, nuestra economía, nuestro aire y nuestro mar. Ha impuesto sobre los puertorriqueños las leyes que emanan del Congreso. Han intentado imponer su lengua y su cultura. Ha militarizado grandes porciones de nuestras tierras y enviado a miles de nuestros jóvenes a matar y a morir en guerras alrededor del planeta. Ha reprimido y encarcelado a centenares de patriotas; algunos de ellos continúan en sus cárceles.

Esa situación de unilateralidad no varió con la creación del Estado Libre Asociado en el año 1952 y hasta nuestros días. El propio proyecto Young reconoce en su preámbulo, el colosal engaño llevado a cabo por el Congreso a partir de la aprobación de la ley 600 de 1950.

Engaño del que fueron víctimas cientos de miles de puertorriqueños, así como la comunidad internacional, al aprobarse en la Organización de Naciones Unidas la resolución 748 (VIII) en el año 1953, que reconocía el alegado gobierno propio alcanzado por Puerto Rico un año antes.

Casi noventa y nueve años después ustedes, señores congresistas, radican un proyecto de ley que han catalogado como de naturaleza descolonizadora.

Es un proyecto de ley que ustedes han radicado en el Congreso sin contar con el parecer del pueblo puertorriqueño; que está concebido y diseñado en función de sus intereses y de los intereses de un sector antinacional y antipatriótico que no representa el sentir de la mayoría del pueblo puertorriqueño.

Ustedes le han pedido definiciones de status a los tres partidos políticos del país; pero en última instancia serán ustedes quienes decidan qué definiciones aparecerán si el proyecto Young se convierte en ley y si se implementa alguna consulta al pueblo. Incluso si se diera dicha consulta, no se comprometen a reconocer los resultados de la misma.

Ustedes celebraron unas vistas públicas recientemente en Washington y celebran éstas vistas públicas en Puerto Rico para dar la impresión de que el pueblo participa en este proceso, pero la realidad es que ustedes aprobarán, si es que finalmente aprueban algo, lo que a ustedes y sólo a ustedes les convenga.

Mientras tanto al pueblo puertorriqueño se le mantiene al margen de cualquier proceso participativo y decisional, efectivo y real. Nos mantienen en las gradas, mientras ustedes imponen sus decisiones en el campo de juego. Cuando decimos el pueblo puertorriqueño nos referimos tanto a quienes residimos en Puerto Rico, como a los millones de compatriotas radicados en Estados Unidos, que son hijos de esta tierra como el que más y que tienen los mismos derechos fundamentales para decidir sobre el destino de este país.

Esto, señores congresistas, no es un proceso descolonizador, sino una imposición similar a la de 1950-52.

Son ustedes, señores congresistas, y la institución que ustedes representan, quienes tienen que demostrar que tienen la voluntad para promover un proceso real y genuinamente descolonizador en Puerto Rico.

Corresponde a ustedes reconocer que Puerto Rico es una nación sometida al colonialismo y que son ustedes la metrópoli que somete a esta nación caribeña y latinoamericana.

Tienen ustedes que reconocer que existe una legalidad internacional en materia de colonialismo, inspirada en la resolución 1514 (XV) de la ONU, que establece meridianamente claro que todo proceso de descolonización tiene que estar precedido por una transferencia de poderes fundamentales de la metrópoli a la colonia. Sin esa transferencia de poderes no puede haber proceso descolonizador.

Tienen ustedes que desistir de lanzar una escalada militar como lo es la imposición del Comando Sur de su ejército y la instalación de un sistema de radares por su Marina de Guerra,

precisamente en el momento en que ustedes intentan convencer al pueblo puertorriqueño de las bondades del proyecto Young. Sin desmilitarización no puede haber proceso descolonizador.

Tienen ustedes que dar muestras de su buena fe y de su disposición a promover un proceso que permita resolver este problema centenario; por ejemplo, liberando a los quince prisioneros políticos puertorriqueños que purgan largas condenas en las cárceles estadounidenses, por el sólo delito de luchar por la descolonización, por la autodeterminación e independencia de su patria.

Ustedes, señores congresistas, y el Congreso que ustedes representan, tienen el poder para hacer esto y mucho más, si se disponen a hacerlo.

Francamente, tienen también el poder para imponer un proyecto de ley que genere una ficción, como es el proyecto Young. O, más grave aún, tienen ustedes el poder para intentar imponernos la anexión como nos han impuesto el colonialismo.

La anexión, quede absolutamente claro, no es una alternativa descolonizadora para la nación puertorriqueña. Por el contrario, constituiría la consumación del colonialismo; y ello es inadmisibile.

Si prevaleciera la sensatez, se impondría una verdadera voluntad descolonizadora, y fruto de ella serían unas relaciones cordiales entre dos naciones soberanas e independientes, que se respetarían mutuamente y que podrían colaborar la una con la otra en asuntos de interés común.

Pero si prevalece como hasta ahora la soberbia colonial o, peor aún, si se intenta llevar a la nación puertorriqueña al despeñadero que representa la anexión, sepan ustedes, señores congresistas y háganle saber a sus colegas en el Congreso, que este es un hueso duro de roer.

No ha sido en vano que hemos logrado prevalecer como nación tras casi un siglo de colonialismo total. Si hemos luchado por largo tiempo, primero contra el colonialismo español y luego contra ustedes, sepan que no tenemos ningún reparo en comenzar el siglo veintiuno combatiendo el colonialismo y la anexión.

Tengan ustedes bien claro que Puerto Rico es una Nación con una identidad cultural muy definida y fuerte. Sobre ese hecho no deben tener ustedes ninguna duda. A principios de siglo y posterior a la ocupación de nuestro territorio por el ejército de Estados Unidos, el gobierno que ustedes representan intentó americanizar y asimilar a nuestra población. Se impuso la enseñanza en inglés en nuestras escuelas. Pero esa estrategia sencillamente fracasó. Hoy casi cien años después el 80 por ciento de los puertorriqueños no dominan el inglés, según los datos del censo que el gobierno federal realiza en Puerto Rico.

Sepan ustedes que la anexión de nuestro país implica que estaría incorporado a los Estados Unidos a una nación de habla hispana, a una nación caribeña y latinoamericana con lengua y cultura distinta a la de ustedes.

Nosotros simplemente queremos alcanzar la meta que ustedes alcanzaron hace más de dos siglos. Los luchadores independentistas de las trece colonias nos sirven de inspiración, como negociadores con la metrópoli y como combatientes frente a ésta.

Deseamos la autodeterminación e independencia, es decir, la verdadera descolonización, y una relación de paz y armonía con Estados Unidos.

En esta coyuntura tan injusta y desigual, en la que ustedes lo mandan todo y nosotros no mandamos nada, corresponde a ustedes, señores congresistas, y al Congreso de Estados Unidos, ofrecer algo más que un proyecto de ley amañado, en el que una vez más se nos impone su criterio y que no nos va a conducir a ningún proceso descolonizador verdadero.

Muchas gracias.

Mr. ROMERO-BARCELÓ. Thank you.

Mr. Ubinas.

**STATEMENT OF ROBERTO CARDONA UBINAS, PRESIDENT,
UNION PATRIOTIC NATIONAL, AGUADILLA, PUERTO RICO**

Mr. UBINAS. Señor Presidente del Comité de Recursos, señores Congressistas... Mi nombre es Roberto Cardona Ubiñas. Presido la organización política Unión Patriótica Nacional. En primera instancia, quisiera solicitar respetuosamente que se admita en evidencia la ponencia que se preparó para esta audiencia ante ustedes y me permito presentarles a quien será nuestro portavoz durante la tarde de hoy, el Licenciado Eduardo Villanueva Muñoz, quien ocupará el turno concedido a la Unión Patriótica Nacional.

Sí, un saludo a todos los eh... A los Congressistas y a todos los compatriotas que se encuentran aquí. Bienvenidos a mi patria, a mi nación, Puerto Rico, para dialogar sobre un asunto tan importante como es la descolonización de Puerto Rico. Hubiera preferido que este diálogo analítico se diera ante un tribunal internacional presidido por observadores imparciales que juzgaran la controversia de forma objetiva y que no fueran parte interesada o gestora del problema colonial como lo son ustedes. De todos modos, si la intención real es terminar la relación colonial que nos une, estamos dispuestos a iniciar un diálogo que propicie un proceso justo para todas las partes y sectores.

La Unión Patriótica Nacional ha dialogado con sectores obreros, ambientalistas, organizaciones independentistas no electorales, maestros e individuos no afiliados, con el propósito de recoger un consenso sobre los elementos y garantías que debe contener un verdadero proceso de descolonización. Estos elementos son los siguientes:

Reconocimiento de la existencia de la nación Puertorriqueña tal como la definió el Senador Rubén Berríos, con la cual coincidió el ex-Gobernador Hernández Colón, a saber, la definición clásica de "nación" es aquella incluida en el Diccionario de la Academia Española desde 1925.

Es "una colectividad de personas que tiene el mismo origen étnico y que en general, habla un lenguaje común y poseen una tradición común." Otras características comúnmente asociadas con la nación o la nacionalidad son, territorio, historia, símbolos y rituales comunes y fidelitas [sic] O lealtad primaria a la nacionalidad. Por eso es que las lenguas romance de las que son indígenas la palabra "nación" y "nacionalidad," la raíz de esas palabras se refiere a origen o ascendencia, "natio" en Latín. Reconocimiento de la ciudadanía Puertorriqueña, con plenitud de derechos constitucionales, a saber, derecho al voto, a viajar, a ser elegido a puestos públicos y con libre acceso al territorio de los Estados Unidos de Norteamérica, con sustancial con el reconocimiento de la ciudadanía Puertorriqueña. Es necesario que se garantice para esta y futuras generaciones, que el idioma oficial de Puerto Rico bajo cualquier status ha de ser el Español. El idioma natural de los ciudadanos Puertorriqueños lo es el Español y no el Inglés. Cualquier intento por imponer el Inglés en la enseñanza o en gestiones administrativas bajo cualquier status constituye una violación de nuestros derechos humanos, además de

ser antipedagógico como lo ha señalado el Senador Roberto Resach [sp] Benites. Tercero, liberación de todos los presos políticos Puertorriqueños, en virtud de que no puede darse un proceso de descolonizador en el cual la población votante sea intimidada o coaccionada para evitar o disuadir la lucha por la independencia con medidas represivas como lo es el encarcelamiento o la exigencia de arrepentimiento. Dicho sea de paso, también debe concederse el indulto incondicional al luchador por la independencia en el clandestinaje, Filiberto Ojeda Ríos. Cuarto, detención del proceso de militarización. Por ejemplo, que se desista de establecer unidades del Comando Sur en la isla y se detengan los planes para instalar el radar que auspicia la Marina en vista de que esto es un organismo militar.

El uso de Vieques para bombardeo y prácticas de la Marina de Guerra de Estados Unidos también debe terminar, siendo que Vieques es parte de Puerto Rico y sus votantes también tienen derecho a autodeterminarse. Todas las fórmulas sobre las cuales se consulta al pueblo, deben ser no coloniales, a tono con las Resoluciones Quince Cuarenta y uno (1541) y Quince Catorce (1514) Quince (XV) de la Organización de Naciones Unidas. Por tanto es contraria al derecho internacional, incluir al ELA clásico, en virtud de que su fundador, Luis Muñoz Marín, reconocía que la soberanía seguía en poder del Congreso y así lo reiteró el Licenciado Javal Hernández Dolón ante las vistas de 1989 que presidió el Senador Bennett Johnston.

El FBI, la CIA, el Consejo de Seguridad y todos los organismos de inteligencia de Estados Unidos, deben abstenerse de participar en cualquier proceso de autodeterminación del pueblo Puertorriqueño para que éste cumpla con los criterios reconocidos por el derecho internacional. En ese sentido, nos preocupa el anuncio de que ha de aumentarse la presencia del FBI en Puerto Rico, mediante la apertura de nuevas oficinas en diversos pueblos de nuestro país. Documentos de COINTELPRO Revelan que el FBI jugó un rol manipulador decisivo en el proceso plebiscitario de 1967.

En vista de la amplia documentación que existe acreditando la intervención para amedrentar, dividir, dirigir procesos hacia el resultado querido pero oculto de varios organismos de inteligencia de Estados Unidos, es imprescindible que un verdadero proceso descolonizador y de autodeterminación cuente con observadores internacionales, especialmente de Latinoamérica, que es el entorno geográfico cultural e histórico al cual pertenecemos.

Es imposible que un país intervenido militarmente, sin control sobre su frontera, sin representación internacional, sin relaciones comerciales libres y extremadamente dependiente, pueda en realidad ejercer el derecho a la autodeterminación. Es por ello que las normas de derecho internacional han diseñado un proceso previo de transferencia de poderes como condición sine qua non a un proceso descolonizador. Ese paso de justicia necesaria, obliga a que ustedes y su país devuelvan al pueblo de Puerto Rico, la soberanía que detentan ilegalmente desde 1898.

Puerto Rico está preparado para recibir en una convención constituyente todos los poderes constitutivos de la soberanía y en ejercicio de nuestro derecho a la libre determinación e

independencia, decidir el tipo de relación que convenga a los intereses de ambos países. Convendría a este proyecto incorporar la transferencia de poderes como una expresión genuina del Congreso de Estados Unidos para propiciar y asegurar un verdadero proceso de autodeterminación. La propuesta del——

[The prepared statement of Mr. Ubinas (in Spanish) follows:]

PONENCIA ANTE LA COMISION DE RECURSOS NATURALES DE LA COMISION DE REPRESENTANTES DE ESTADOS UNIDOS

Señor Presidente de la Comisión de Recursos Naturales de la Cámara de Representantes de Estados Unidos, señores Congresistas, Compatriotas todos. Comparezco a nombre de la Unión Patriótica Nacional a compartir algunos conceptos reflexivos sobre el llamado proyecto Young. Me acompañan el Lcdo. Roberto Cardona y el Lcdo. Wilson Cortés, presidente y vice presidente de la Unión Patriótica Nacional, organización que me hace el honor de nombrarme su portavoz en estas vistas. Mi nombre es Eduardo Villanueva Muñoz, abogado en la práctica privada y profesor de Derecho a tiempo parcial.

Bienvenidos a mi patria, a mi nación, Puerto Rico, para dialogar sobre un asunto tan importante como es la descolonización de Puerto Rico. Hubiera preferido que este diálogo analítico se diera ante un Tribunal Internacional presidido por observadores imparciales que juzgaran la controversia de forma objetiva y que no fueran parte interesada o gestora del problema colonial como lo son ustedes. De todos modos, si la intención real es terminar la relación colonial que nos une, estamos dispuestos a iniciar un diálogo que propicie y permita un proceso justo para todas las partes y sectores.

La Unión Patriótica Nacional ha dialogado con sectores obreros, ambientalistas, organizaciones independentistas no electorales, maestros e individuos no afiliados, con el propósito de recoger un consenso sobre los elementos y garantías que debe contener un verdadero proceso de descolonización.

Estos elementos son los siguientes:

1. Reconocimiento de la existencia de la nación puertorriqueña tal como la definió el Senador Rubén Berrios, con la cual coincidió el ex-gobernador Rafael Hernández Colón, a saber:

La definición clásica de nación es aquella incluida en el diccionario de la Academia Española desde 1925 y cito: "Una colectividad de personas que tiene el mismo origen étnico y que, en general, habla un lenguaje común y poseen una tradición común".

Otras características comúnmente asociadas con la nación o con la nacionalidad son territorio, historia, símbolos y rituales comunes y fidelitas, o lealtad primaria a la nacionalidad. Por eso es que en las lenguas romances, de las que son indígenas las palabras nación y nacionalidad, la raíz de esas palabras se refieren a origen o ascendencia; natio, en latín."

2. Reconocimiento de la ciudadanía puertorriqueña con plenitud de derechos constitucionales, a saber, derecho de voto, a viajar, a ser elegido a puestos públicos y con libre acceso al territorio de los Estados Unidos de Norteamérica. Consustancial con el reconocimiento de la ciudadanía puertorriqueña es necesario que se garantice para ésta y futuras generaciones que el idioma oficial de Puerto Rico bajo cualquier Status ha de ser el español. El idioma natural de los ciudadanos puertorriqueños lo es el español y no el inglés. Cualquier intento por imponer el inglés en la enseñanza o en gestiones administrativas constituye una violación de nuestros derechos humanos, además de ser anti-pedagógico, como lo ha señalado el senador Roberto Rexach.

3. Liberación de todos los presos políticos puertorriqueños, en virtud de que no puede darse un proceso descolonizador en el cual la población votante sea intimidada o coaccionada para evitar o disuadir la lucha por la independencia, con medidas represivas como lo es el encarcelamiento o la exigencia de arrepentimiento. Dicho sea de paso, también debe concederse el indulto

incondicional al luchador por la independencia en el clandestinaje, Filiberto Ojeda Ríos.

4. Detención del proceso de militarización.'

Por ejemplo, que se desista de establecer unidades del Comando Sur en la isla y se detengan los planes para instalar el radar que auspicia la Marina, en vista de que ésta es un organismo militar. El uso de Vieques para bombardeo y prácticas de la Marina de guerra de Estados Unidos también debe terminar, siendo que Vieques es parte de Puerto Rico y sus votantes también tienen derecho a autodeterminarse.

5. Todas las fórmulas sobre las cuales se consulte al pueblo deben ser no coloniales, a tono con las Resoluciones 1541 y 1514 XV de la Organización de Naciones Unidas. Por tanto, es contrario al Derecho Internacional incluir el E.L.A. clásico, en virtud de que su fundador, Luis Muñoz Marín, reconocía que la soberanía seguía en poder del Congreso y así lo reiteró el Lcdo. Rafael Hernández Colón ante vistas de 1989, que presidió el Senador Bennet Johnston.

6. El F.B.I., la C.I.A., el Consejo de Seguridad y todos los organismos de inteligencia de Estados Unidos deben abstenerse de participar en cualquier proceso de autodeterminación del pueblo puertorriqueño para que éste cumpla con los criterios reconocidos por el Derecho Internacional. En ese sentido nos preocupa el anuncio de que ha de aumentarse la presencia del FBI en Puerto Rico mediante la apertura de nuevas oficinas en diversos pueblos de nuestro país. Documentos de COINTELPRO revelan que el FBI jugó un rol manipulador decisivo en el proceso plebicitario de 1967.

7. En vista de la amplia documentación que existe acreditando la intervención para amedrentar, dividir, dirigir procesos hacia el resultado querido pero oculto, de

varios organismos de inteligencia de Estados Unidos, es imprescindible que un verdadero proceso descolonizador y de autodeterminación cuente con observadores internacionales especialmente de Latinoamérica que es el entorno geográfico, cultural e histórico al cual pertenecemos.

Es imposible que un país intervenido militarmente, sin control sobre sus fronteras, sin representación internacional, sin relaciones comerciales libres y extremadamente dependiente pueda en realidad ejercer el derecho a la autodeterminación. Es por ello que las normas de Derecho Internacional han diseñado un proceso previo de transferencia de poderes como condición SINE QUA NON a un proceso descolonizador. Ese paso de justicia necesaria obliga a que ustedes y su país devuelvan al pueblo de Puerto Rico la soberanía que detentan ilegalmente desde 1898.

Puerto Rico está preparado para recibir en una Convención Constituyente todos los poderes constitutivos de la soberanía y en el ejercicio de nuestro Derecho a la libre determinación e Independencia decidir el tipo de relación que convenga a los intereses de ambos países. Convendría a este proyecto incorporar la transferencia de poderes como una expresión genuina del Congreso de Estados Unidos para propiciar y asegurar un verdadero proceso de autodeterminación.

8. La propuesta del P.I.P. para que exista un proceso de transición económica de diez años es una razonable y necesaria en vista de la responsabilidad que tiene Estados Unidos por haber creado y diseñado en nuestro país una economía dependiente.

9. Los puertorriqueños no tenemos duda de que podemos en la República crear una economía próspera y autosuficiente. Existen países más pobres que nosotros ahora, pero los hay con igual o menos población y territorio, que son más

prósperos y dinámicos que nosotros.

10. La inmensa mayoría del pueblo de Puerto Rico, estoy seguro, rechaza la alternativa de que se nos convierta en un territorio incorporado. Ello solo incrementa la dependencia económica y sociológica y sería como decía Don Pedro Albizu Campos de la estadidad, el paso previo a la culminación del coloniaje. Incluso, el electorado Estadolibrista que ronda cerca de 900,00 electores debería considerar seriamente boicotear cualquier proceso que contemple la incorporación, porque esta jamás sería un proceso orientado a la culminación del E.L.A. sino más bien encaminado a la transición hacia la estadidad.

11. La generalidad del independentismo puertorriqueño preferiría que en una votación sobre nuestro destino ulterior voten los nacionales puertorriqueños. Es importante que no voten personas con arraigo en otra cultura, con intereses económicos y políticos mucho más vinculados a otros países o incluso estados federados, que de advenir un resultado contrario a su ideología no se quedarían a vivir las consecuencias de su elección. En un verdadero proceso de autodeterminación, la tendencia histórica ha sido permitir que voten exclusivamente los nacionales del país que se autodetermina. Nacionales pueden definirse como los hijos de puertorriqueños y aquellos que lleven residiendo en Puerto Rico más de cinco años. No son nacionales puertorriqueños los norteamericanos por adopción de ciudadanía (ej. cubanos, dominicanos, argentinos, árabes, etc.) que tienen su domicilio en Puerto Rico. (domicilio interpretado como animus manendi o intención de permanecer o regresar a vivir en Puerto Rico).

12. Las transferencias de fondos federales en el periodo de transición puede extenderse en bloque y debe ser negociada la cantidad de años por los cuales se recibirían en virtud de que consideramos que son una compensación por los daños

que ha causado el coloniaje en términos psicológicos, morales, económicos y sociológicos a los ciudadanos puertorriqueños que lo han sufrido.

13. El Estado Libre Asociado y la Libre Asociación son dos fórmulas distintas conforme al Derecho Internacional. El proyecto Young equipara la Libre Asociación con la Independencia lo cual en la práctica equivale a estimular o incitar los miedos que tienen algunos sectores en Puerto Rico con la Independencia. Por lo tanto, el proceso según iniciado y la definición de las fórmulas tiende a favorecer la fórmula estadista. No hay que decir que ello es injusto y contrario a los mejores intereses tanto de Puerto Rico como de Estados Unidos.

14. Finalmente, reconocemos que existen fuertes vínculos históricos, económicos y políticos entre Estados Unidos y Puerto Rico. Tenemos dos millones de puertorriqueños en Estados Unidos que probablemente sigan viviendo allá pero se preocupan por nuestro destino. Queremos finiquitar el régimen colonial y queremos hacerlo de una manera racional, ordenada, pacífica y honorable para ambas partes. Sin embargo, queremos hacer claro que para los puertorriqueños el derecho a preservar nuestra identidad nacional, nuestra cultura, nuestro idioma español, nuestro territorio para uso agrícola, industrial y no militar, nuestra identidad deportiva incluyendo la representación internacional olímpica y el origen latinoamericano que establece un vínculo indisoluble con nuestros hermanos que viven desde el Río Bravo hasta Tierra del Fuego son valores y principios por los cuales no dejaremos de luchar, en todas las formas, absolutamente en todas, incluso en la estadidad federada. Es por ello que esa fórmula, que para nosotros es la culminación de la disolución nacional, no conviene ni a Puerto Rico ni a Estados Unidos tanto desde un punto de vista práctico como desde la proyección histórica que

ustedes quieran impartir a este proceso.

En Mayagüez, Puerto Rico, a 21 de marzo de 1997.

Muchas gracias,

EDUARDO VILLANUEVA MUÑOZ
Portavoz UNIÓN
PATRIÓTICA NACIONAL

Mr. MILLER. Mr. Velgara.

Mr. UBINAS. La propuesta del——

Mr. MILLER. If I might ask that you honor the time, please.

Mr. Velgara.

Mr. ROMERO-BARCELÓ. The original time for Mr. Cardona be added to—if you want to yield that time, if that was your intent, was to yield your time.

STATEMENT OF FRANK VELGARA, CO-COORDINATOR, PRO-LIBERATED, NEW YORK, NEW YORK

Mr. VELGARA. Yes.

Mr. UBINAS. La propuesta del PI [?] Para que exista un proceso de transición económica de diez años es una razonable y necesaria en vista de la responsabilidad que tiene Estados Unidos por haber creado y diseñado en nuestro país una economía dependiente.

Los Puertorriqueños no tenemos duda de que podemos en la República, crear una economía próspera y autosuficientes. Existen países más pobres que nosotros ahora, pero los hay con igual o menos población y territorio que son más prósperos y dinámicos que nosotros. La inmensa mayoría del pueblo de Puerto Rico estoy seguro, rechaza la alternativa que se nos convierta en un territorio incorporado. Ello solo incrementa la dependencia económica y sociológica y sería como decía don Pedro Alvisu Campos de la estadidad, “El paso previo a la culminación del coloniaje.” Incluso el electorado estadolibrista que ronda cerca de 900,000 electores, debería considerar seriamente boicotear cualquier proceso que contemple la incorporación, porque ésta jamás sería un proceso orientado a la culminación del ELA, sino más bien encaminado a la transición hacia la estadidad. La generalidad del independentismo Puertorriqueño preferiría que en una votación sobre nuestro destino ulterior, voten los nacionales Puertorriqueños. Es importante que no voten personas con arraigo en otra cultura, con intereses económicos y políticos mucho más vinculados a otros países o incluso a estados federados, que de advenir un resultado contrario a su ideología, no se quedarían a vivir las consecuencias de su elección.

En un verdadero proceso de autodeterminación, la tendencia histórica ha sido permitir que voten exclusivamente los nacionales del país que se autodetermina. Nacionales pueden definirse como los hijos de Puertorriqueño y de aquello que lleven residiendo en Puerto Rico más de cinco años. No son nacionales Puertorriqueños los Norteamericanos por adopción de ciudadanía. Ejemplos, Cubanos, Dominicanos, Argentinos, rabes, etcétera, que tienen su domicilio en Puerto Rico porque tienen ánimos [uninteligible] Aquí.

Las transferencias de fondos Federales en el período de transición hacia la independencia pueden extenderse en bloques y debe ser negociada la cantidad de años por las cuales se recibirían, en virtud de que consideramos que son una compensación por los daños que ha causado el coloniaje en términos psicológicos, morales, económicos y sociológicos a los ciudadanos Puertorriqueños que lo han sufrido.

El Estado Libre Asociado y la Libre Asociación son dos fórmulas distintas, conforme al derecho internacional. El Proyecto Young equipara la libre asociación con la independencia, lo cual en la

práctica equivale a estimular o incitar los miedos que tienen algunos sectores en Puerto Rico con la independencia. Por lo tanto, el proceso según iniciado, y la definición de la fórmula tiende a favorecer la fórmula estadista. No hay que decir que ello es injusto y contrario a los mejores intereses tanto de Puerto Rico como de Estados Unidos.

Finalmente, reconocemos que existen fuertes vínculos históricos, económicos y políticos entre Estados Unidos y Puerto Rico. Tenemos más de 2 millones de Puertorriqueños en Estados Unidos que probablemente sigan viviendo allá pero se preocupan por nuestro destino. Queremos finiquitar el régimen colonial y queremos hacerlo de una manera racional, ordenada, pacífica y honorable para ambas partes.

Sin embargo, queremos hacer claro, que para los Puertorriqueños el derecho a preservar nuestra identidad nacional, nuestra cultura, nuestro idioma Español, nuestro territorio para uso agrícola, industrial y no militar, nuestra identidad deportiva incluyendo la representación internacional olímpica y el origen Latinoamericano que establece un vínculo indisoluble con nuestros hermanos que viven desde el Río Bravo hasta Tierra de Fuego, son valores y principios por los cuales no dejaremos de luchar en todas las formas, absolutamente en todas, incluso en la estadidad federada.

Es por ello que esa fórmula, que para nosotros es la culminación de la disolución nacional, no conviene ni a Puerto Rico ni a Estados Unidos, tanto desde un punto de vista práctico, como desde la proyección histórica que ustedes quieren impartir a este proceso.

Muchas gracias.

Mr. MILLER. Ms. Lebron.

STATEMENT OF LOLITA LEBRÓN, PRESIDENT, NATIONAL PARTY OF PUERTO RICO, SAN JUAN, PUERTO RICO

Ms. LEBRÓN. Señor Don Young, Señores Congresistas, Distinguido Pueblo de Puerto Rico... Yo soy Lolita Lebrón, Presidenta del Partido Nacionalista de Puerto Rico, ex-prisionera política de los Estados Unidos. Soy la que dirigió el ataque al Congreso de Estados Unidos de Norteamérica el primero de marzo de 1954, en defensa de la liberación del Pueblo de Puerto Rico y en rechazo al Estado Libre Asociado, o sea, al engaño que gracias a ustedes, al Proyecto Young, puede hoy Puerto Rico decir que estaba bien y don Pedro Albizu Campos se tiene que regocijar en el Paraíso porque el ordenó ese ataque por el abuso que se hizo con nosotros.

Gracias ... y gracias por un mérito más que tienen. El mérito que tienen es que han conmovido a este pueblo para que se decida definitivamente a liberar a su país. El Movimiento Libertador de Puerto Rico existe desde 1868, cuando el Padre de la Patria, don Ramón Emeterio Betances luchó para nuestra liberación y proclamó la República de Puerto Rico, la primera, el 23 de septiembre de 1868, cuna de la nación Puertorriqueña.

Don Pedro Albizu Campos, nuestro apóstol, Padre de la patria contemporánea, nos quitó la venda de los ojos, nos dijo que somos esclavos de ustedes, y les voy a decir que si ustedes nos hicieran a nosotros banqueros y nos hicieran nuestras calles de oro y nos

llevaran a pasear a la luna, señores, aquí hay un movimiento de liberación que ha de haberlo, siempre.

Y yo le digo a todo este pueblo puertorriqueño que ha tenido la desgracia de haber sido modificada su conciencia nacional para que rechace su liberación, y para que viva un siglo de rodillas, que ellos son sus víctimas.

Un país como los Estados Unidos de América, que cuando invadió nuestro territorio, era entonces “La Luz del Mundo”, decían, que traían la libertad a los pueblos, engañaron hasta a unos patriotas puertorriqueños. Pero ustedes vinieron aquí con las armas. Ustedes vinieron aquí con sus cinco naves armadas y ustedes dispararon aquí sus cohetes, y vinieron aquí con terror y la violencia y todavía quieren que nosotros bajemos la cabeza y nos hinquemos ante ustedes.

Perdonen, debo decir, sus antepasados cometieron el grave error de tener a este país bajo sus botas. Desgraciadamente, le han hecho daño a ustedes mismos y a nosotros y son unas llaga y un cáncer en el rostro del mundo, y ustedes están obligados a curar esta desgracia. Y yo los invito a ustedes, y los exhorto desde aquí y lo hace la mujer que atacó el Congreso de los Estados Unidos, estuvo un cuarto de siglo allí en defensa de la Nacionalidad Puertorriqueña.

Yo los invito a ustedes, y les he mandado tres razones desde que salí de la prisión, y ustedes deben haberlas recibido, porque hasta el Presidente de los Estados Unidos le mandé a decir, que aquí no viniera jamás, jamás ponga un pie aquí, hasta que este pueblo sea libre, entonces señores, él vendría aquí como nuestro invitado de honor, como iguales, de igual a iguales.

Yo los invito a ustedes a curarse su error, porque le han infundido en la mentalidad puertorriqueña un rechazo y un repudio a la libertad, y eso es un crimen, y ustedes tienen que curarse de ese crimen. No son los pueblos libres llamados a ser esclavos en la tierra, y ustedes deben saber que cuando la esclavitud estaba presente, aquellos que andaban con cadenas, hubo que llevarlos a la libertad casi obligados, porque tenían miedo a la libertad. Esta gente le tiene miedo a la libertad. Una inmensa mayoría de los puertorriqueños teme la libertad, porque ustedes los han infundido con un temor a la libertad.

¿Dónde está esa gran nación norteamericana, que era la luz del mundo? ¿Dónde está? Señores ustedes corrijan su error. Díganle a los puertorriqueños estadistas, díganle a todos los puertorriqueños que no le teman a la libertad, que es la dignidad de sus hijos, que desde que el niño está en el vientre de la madre, debe heredar la libertad, porque Dios nos hizo libres.

Yo le doy las gracias a Dios que estoy aquí, después de ustedes haberme tenido un cuarto de siglo en sus prisiones, yo estoy aquí para defender una dignidad que está dormida. ¡Está dormida! Ahora dicen estos señores que van a hacer un estado de la unión norteamericana de este país, jamás, jamás, jamás.

Nada puede suceder en esta tierra, a no ser la libertad plena y total de este pueblo. Y cuando este pueblo haya disfrutado esa libertad y quiera hacer cualquier negocio que sea digno con ustedes o con cualquier pueblo del mundo, soberanamente lo puede hacer, pero no antes.

Yo hablo duro señores, oigan mi voz, es fuerte y ha de morir y vivir eternamente fuerte por este pueblo.

Además les tengo que decir que tienen unos prisioneros políticos. Sáquenlos de ahí porque ellos no han matado a nadie, y ustedes cuando un asesino anda por sus calles le dan unos poquitos de años y los sacan por ahí para que sigan matando. Los patriotas puertorriqueños son castigados y torturados en las cárceles. Oscar López está siendo torturado en las cárceles, todos ellos están siendo torturados en las cárceles.

Yo les pido a ustedes, el Partido Nacionalista de Puerto Rico le pide a ustedes, ponga a esos hombres, esas mujeres patriotas en las calles.

Yo aquí llamo a Clintock, ¿como se llama él? Kenneth McClintock, yo soy patriota. ¡Tú eres un entregado! Tú no tienes patria, te has expatriado a tí mismo.

Señores, tomad conciencia de sus deberes en este Planeta. Olvídense tanto de las estrellas. ¡que quieren hacer colonias allí! Tomen conciencia de la gran dignidad que ustedes ostentan ante el mundo, y echen a un lado esas pequeñeces, porque la dignidad de los hombres no se compra con dinero. Este pueblo tiene lo que tiene porque lo ha trabajado, y es sudor de su frente. Ustedes a nosotros no nos dan nada, nada, nada. Ustedes dicen que nos meten la comida en la boca. Ustedes dicen y así me dijo una prisionera, "Look at them, they are asking for freedom. Give them freedom, my country," decía ella "and you will see them here in week, asking for food."

Señores, nosotros somos trabajadores y decentes. Nosotros somos honrados, nosotros somos una gente civilizada. No abusen de nosotros. Ustedes no nos dan a nosotros nada, nada, nada. Aquí ustedes tienen el más grande comercio, el quinto comercio de Latinoamérica y cada papelito que venden le sacan una millonada. ¿Oyeron? Aquí ustedes no ... Ustedes le deben a esta tierra, mucho, y cuando seamos libres, que tenemos que ser libres ya mismo, muy pronto, y ustedes perdonados por nosotros y por Dios, y Dios Perdonando a nuestro padres, nosotros podemos encaminarnos hacia un mejor mundo y hacer una nueva era, una era de paz y de concordia y de liberación para todos los pueblos. Donde los niños puedan levantar su frente y ser niños con esperanzas de un futuro, donde nadie se le pare encima.

Oiganlo bien. Yo les estoy llamando a ustedes la atención por ustedes mismos. No crean ustedes que porque hayan miles y miles y miles de puertorriqueños que dicen que lo que quieren ser es americanos—miren señores, no quieren ser americanos, ellos quieren ser puertorriqueños, pero ustedes le han infundido científicamente en la cabeza al puertorriqueño, que ellos son pequeñitos y que no pueden ser libres.

Dios los bendiga a ustedes, porque yo soy una mujer de Dios. Dios bendiga a este mundo, y ustedes como un poderío grande de la tierra, saquen esas bombas atómicas del medio del mundo. Ustedes se las dieron al mundo y después que se las dieron ...

Mr. MILLER. I'm going to ask if you might—

Ms. LEBRON. No, yo le voy a decir a usted, voy a terminar ya. No quisiera que en mi país nadie me tuviera que mandar a callar

por defender la libertad de mi país... Y ella no se ha encontrado todavía.

[Applause.]

Señores, no hay odio, no hay nada. Lo que hay es el derecho y el deber de un pueblo a ser libre. ¡Nada, nada trabajará aquí que se no la liberación total y plena del pueblo de Puerto Rico.

Muchas gracias.

[The prepared statement of Ms. Lebron follows:]

HOJA SUPLEMENTAL DE LA DECLARACIÓN DE LOLITA LEBRON

1. Dirección para correspondencia suplemental:

Lolita Lebrón
 c/o Rosa Meneses Albizu Campos
 Suite 587 Av. E. Pol #497
 La Cumbre, San Juan, Puerto Rico 00926-5636

Teléfono y Fax: 787-760-4240

2. Resumen de los puntos sobresalientes de la ponencia:

Puerto Rico es, por su carácter, una nación. Tiene una geografía, cultura, e historia única bien definida, producto de la mezcla y convivencia de tres gran culturas y razas: la indígena de las Américas, la española y la africana. Sus residentes no son, ni quieren ser, parte de una minoría étnica dentro de la gran caldera estadounidense. Somos un pueblo con el derecho inalienable de la auto-determinación reconocido por la ley natural, y la ley internacional desde 1960.

Desde 1493, la historia de Puerto Rico ha sido una historia de genocidio a través del colonialismo. Ha sido, a la vez, una historia de resistencia y lucha por los derechos del pueblo. Es una lucha que no desistirá hasta lograr el pleno disfruto de la soberanía de este pueblo.

La relación entre Puerto Rico y Estados Unidos siempre ha sido una relación marcada por el desprecio a los derechos del pueblo puertorriqueño y la imposición de un gobierno y una cultura ajena por medio de la fuerza. Sigue siendo una relación colonial mantenida por la fuerza y la coacción. Bajo las condiciones actuales de ocupación militar, con una historia negra de persecución política y patriotas actualmente encarcelados y maltratados en calabozos norteamericanos, no se puede llevar a cabo ningún proceso de autodeterminación como plantea el Proyecto de Cámara HR 856. Hay que atender a los requisitos básicos de ley internacional antes de pretender llevar el problema a la votación. Si no, el proceso será otra farsa más como se celebró en el 1952, el 1967, el 1991 y el 1993.

Para lograr un verdadero proceso de descolonización, han de establecerse las siguientes condiciones:

1. La excarcelación inmediata e incondicional de todos nuestros patriotas encarcelados en Estados Unidos y una amnistía general extendida a todos los que están perseguidos por su lucha por la independencia de Puerto Rico;
2. La desmilitarización de la Isla de Vieques y el resto del territorio nacional puertorriqueño. El cese de planes para instalar el infame Comando Sur y los aparatos como el ROTHF en Puerto Rico;
3. La transferencia de la soberanía al pueblo de Puerto Rico.

Rico para que seamos nosotros los que decidimos, finalmente, cuáles serán nuestras relaciones políticas y económicas con los demás países del mundo;

4. Un proceso de transición ordenada hacia la soberanía que incluye compromisos económicos a manera de reparaciones por los daños materiales y espirituales causados por el colonialismo;
5. Una fecha cierta para un verdadero proceso de autodeterminación popular regido por las normas de la ley internacional bajo observación internacional luego de la certificación por un cuerpo internacional que Estados Unidos ha cumplido con todos los compromisos hechos y con todos los requisitos de la ley internacional para la celebración de un proceso descolonizador.

Translation

STATEMENT OF LOLITA LEBRON
PRESIDENT
PARTIDO NACIONALISTA DE PUERTO RICO,
MOVIMIENTO LIBERTADOR

BEFORE REPRESENTATIVES OF THE RESOURCE COMMITTEE
OF THE UNITED STATES CONGRESS
GIVEN IN MAYAGUEZ, PUERTO RICO
21 ABRIL DE 1997

Lolita Lebrón
c/o Rosa Meneses Albizu Campos
Suite 587 Av. E. Pol #497
La Cumbre, San Juan, Puerto Rico 00926-5636
Telephone and Fax: 787-760-4240

**Summary of statement of
Lolita Lebrón, President
Partido Nacionalista de Puerto Rico, Movimiento Libertador**

Puerto Rico is, by its character, a nation. It has a well-defined and distinct geography, history and culture, resulting from the mixture and shared living of three great cultures and races, the indigenous of Latin America, the Spanish and the African. Its residents are not, and have no desire to be part of an ethnic minority within the great United States melting pot. We are a people who enjoy an inalienable right to self-determination recognized in natural law, and in international law, since 1960.

From 1493, the history of Puerto Rico has been a history of genocide by means of colonialism. It has, at the same time, been a history of resistance and struggle for the rights of the people. It is a struggle which will not end until the full enjoyment of the right of sovereignty by the people of Puerto Rico.

The relation between Puerto Rico and the United States has always been characterized by a lack of respect for the rights of the Puerto Rican people and the imposition of a foreign government and culture by means of force. It continues to be a colonial relation maintained by force, coercion, and constant efforts to transform our culture into one that depends upon and consumes even more of what the United States produces. Under the current conditions of military occupation, with a history of political persecution and patriots jailed in North American prisons, it is impossible to carry out a program of Self-Determination as HR 856 proposes. Before attempting to resolve this issue at the polls, attention must be paid to the fundamental requirements of international law. If this is not done, the process will be yet another farce such as those we saw in 1952, 1967, 1991 and 1993.

In order to achieve a real process of decolonization, the following conditions must be established:

1. The immediate and unconditional release of all our political prisoners jailed in the United States and a general amnesty that extends to all who are persecuted because of their struggle for the independence of Puerto Rico;
2. The demilitarization of the Island of Vieques and the rest of the Puerto Rican national territory. The abandonment of plans to bring the infamous Southern Command and military apparatus such as the Relocatable Over the Horizon Radar to Puerto Rico;
3. A transfer of all sovereign powers to the people of Puerto Rico so that it can be we who decide, finally, what our political and economic relations will be with all the other countries of the world;
4. An orderly process of transition towards sovereignty that includes economic commitments in the nature of reparations for the

material and spiritual damage caused by colonialism;

5. A date certain for a legitimate process of popular determination according to the norms of international law under international observation, following certification by an international body that the United States has fulfilled all its commitments and complied with all the requirements of international law for a definitive decision on decolonization.

In Mayagüez, Puerto Rico
21 April 1997

Mr. MILLER. Thank you.

Mr. Gallisa.

STATEMENT OF CARLOS GALLISA, HATO REY, PUERTO RICO

Mr. GALLISA. Señor Presidente y miembros del Comité de Recursos. La primera pregunta que nos tenemos que hacer ante este Proyecto Young, es si esta es una propuesta seria, que conduce a la descolonización de Puerto Rico o si por el contrario, este proyecto se presenta como una recompensa o pago a los sectores anexionistas de Puerto Rico por el dinero que han repartido en el Congreso y las contribuciones y aportaciones que han hecho a las campañas electorales de ustedes y de sus partidos.

En Puerto Rico hay un refrán que dice, que quien paga la música escoge el repertorio, y en la prensa del país ha salido publicada el número de congresistas de este comité, señor Kennedy, Burton, Young y otros que tal vez no haya habido la información para publicarla, que han recibido dineros y contribuciones de Puerto Rico y me parece que es hora de que tanto estos señores que he mencionado de este Comité comenzando por el señor Young, le digan al pueblo de Puerto Rico y hagan una declaración de todo el dinero que han recibido de aquí en Puerto Rico, la cantidad y quienes, porque se puede decir como han dicho ya algunos, que es legal recibir donaciones. Pero lo legal no es lo moral siempre, y creo que se falta a los mínimos de ética y de moral que debe presidir un cuerpo del Congreso, para que aquellos que pretendan fungir de congresistas legislando para un proceso de descolonización en Puerto Rico, tengan que observar una conducta distinta. Esa conducta observada por este Comité, y no incluyo a todos los miembros, esta conducta no puede crear credibilidad ni confianza entre los Puertorriqueños de que aquí se está trabajando un proyecto justo para darle a Puerto Rico el derecho a la libre determinación.

Y no podemos creer en este proyecto, porque este proyecto fue manufacturado en las oficinas del señor Young, con un sector anexionista de este país, excluyendo a todas las demás tendencias políticas de Puerto Rico en la confección de este proyecto. Y por ahí viene la doble desconfianza nuestra, respecto a las verdaderas intenciones de este proyecto y al carácter del mismo.

La desconfianza de nosotros los Puertorriqueños en ustedes como Congreso y en el gobierno de su país está sólidamente justificada en la experiencia vivida a lo largo de los cien años de dominación colonial que ustedes le han impuesto al pueblo de Puerto Rico. Han sido cien años de mentiras, de medias verdades, de falsedades, de imposiciones, de falsificaciones y de promesas incumplidas.

Desde la proclama del General Meiss [sp] Que vino aquí con sus tropas y a raíz de la invasión le dijo a este pueblo que venía a traer democracia y libertades, desde ahí comienza esta historia de engaños. Y por aquí al igual que ustedes congresistas, han pasado docenas y docenas de congresistas, desde Ford aquel en el 1900, Johnson en el 1916, el Senador Tydings en 1930 y en el 1940, [uninteligible] Bryan, Aspinall, Bennett Johnston, Lagomarcino y hoy es Young. Los presidentes de Estados Unidos desde McKinley hasta Eisenhower, que prometió la independencia cuando la pidiéramos hasta el Gerald Ford hasta hoy Bill Clinton, también nos han hecho toda clase de promesas.

Y todos los Puertorriqueños independientemente de ideologías y de partidos hemos sido engañados por ustedes a lo largo de cien años porque nunca han cumplido la promesa y nunca han cumplido con su responsabilidad como potencia colonial, administradora de este territorio. Y digo territorio porque ustedes insisten en llamarnos territorio como si nosotros fuéramos un pedazo de tierra en el Mar Caribe. Nosotros somos un pueblo con una historia, con una cultura. Somos una nación Caribeña y Latinoamericana y jamás vamos a entregar esta nación que es la única que tenemos y es la patria nuestra.

Ese sentido que ustedes tienen de nosotros como territorio, es por donde tienen que comenzar ustedes para entendernos a nosotros. Ustedes y nosotros somos dos cosas totalmente distintas. Ni tan siquiera hablamos el mismo idioma. Somos dos naciones, somos dos culturas, somos dos pueblos y ustedes no se pueden tragar a este pueblo, y ustedes no se pueden tragar una nación y ustedes nunca se han anexoado una nación. Ustedes se han anexoado unos territorios que estaban vacíos y que los llenaron ustedes con Americanos mismos, como sucedió con Hawai y con Alaska.

Si algo meritorio tiene esta gestión, podríamos decir algo, son los diez puntos que ustedes han incluido en los llamados “findings” que ustedes le llaman a las conclusiones de este proyecto y que tal parece que por fin, ustedes reconocen que existe un problema colonial en Puerto Rico.

Ahora se me dice que por no ofender a los popular, van a sacar los diez puntos del proyecto. O sea no ofenderán a los populares, pero ofenderán entonces una vez más, a la verdad histórica de este país.

Nosotros creemos en la democracia y creemos en los derechos civiles y en los derechos humanos, y nosotros los practicamos. Pero mientras ustedes se proclaman ante el mundo como defensores de la democracia y los derechos humanos, aquí en Puerto Rico en su dominación colonial, ustedes han sido unos violadores graves de los principios democráticos y de los derechos humanos.

Mientras ustedes se ufanan que su política como nación está inspirada en los ideales de Washington, Jefferson y de otros que ustedes los “Founding Fathers,” los Padres de la Patria, aquí en Puerto Rico a los que pensamos como los “Founding Fathers” de ustedes, como los Padres de la Patria de ustedes, ustedes los han perseguido como veinticinco años de prisión que le impusieron a Lolita Lebron y a otros y han matado patriotas Puertorriqueños para ejercer su dominio colonial en Puerto Rico. Ahora mismo hay quince patriotas Puertorriqueños con condenas de sesenta y ochenta años de cárcel, por el único delito de luchar por la independencia de esta patria. Y ustedes son los carceleros de esos quince patriotas Puertorriqueños.

Si ustedes quieren comenzar un dialogo con este país, con este pueblo, yo estoy seguro que aquí todos los Puertorriqueños queremos un diálogo, y queremos llegar a ponerle fin a este sistema colonial. Empiecen ustedes con un gesto de buena fe, liberando a los presos Puertorriqueños.

Pero este proyecto no puede ser credibilidad y garantía para ese diálogo. Este proyecto surge de unas componendas políticas con un sector del país. Este proyecto no tiene credibilidad para la mayoría

de los Puertorriqueños. Este proyecto pretende dejar a un lado las consideraciones más importantes.

No nos llevan más a votar el plebiscito. No vamos a resolver el problema de Puerto Rico, arrancando a votar en un plebiscito. Ese es un camino fracasado, fracasado en el 1993, fracasado en el 1967. Tenemos que empezar otro camino. Tiene que haber un diálogo primero, antes de votar, porque ustedes no tienen consenso en Estados Unidos en el Congreso y en los círculos de poder sobre que hacer con Puerto Rico y nosotros los Puertorriqueños tampoco tenemos consenso sobre el futuro de esta patria. Por lo tanto, no se puede empezar a votar cuando no hay consenso en ninguno de los dos lados.

Yo propongo que ustedes examinen otro curso de acción que comience con la creación de una asamblea constituyente que sirva como instrumento negociador del pueblo de Puerto Rico y buscar unos consensos para que este pueblo finalmente vote sobre opciones reales, no sobre deseo y aspiraciones, sobre lo que es alcanzable. Mientras no se vote sobre lo que es posible y alcanzable, no vamos a resolver este problema.

[The prepared statement of Mr. Gallisa follows:]

**PONENCIA DE CARLOS GALLISA
ANTE EL COMITE DE RECURSOS
DE LA CAMARA DE REPRESENTANTES
DE ESTADOS UNIDOS**

La primera pregunta que nos hacemos ante este llamado proyecto Young es si esta es una propuesta seria que conduce a la descolonización de Puerto Rico, o si por el contrario, este proyecto se presenta como una recompensa a los sectores anexionistas de Puerto Rico por el dinero que han repartido en el Congreso y las contribuciones que han hecho a las campañas electorales de ustedes y de sus partidos.

La desconfianza de los puertorriqueños en ustedes como Congreso y en el gobierno de su país está sólidamente justificada en la experiencia vivida a lo largo de los cien años de dominación colonial que ustedes le han impuesto al pueblo puertorriqueño.

Desde la proclama del General Miles al momento de la invasión hasta nuestros días ustedes nunca han cumplido sus promesas ni han respetado el derecho del pueblo de Puerto Rico a su libre determinación e independencia conforme a la Carta de Descolonización de Naciones Unidas y de la cual el gobierno de Estados Unidos es signatario.

Su gobierno, con la ayuda de los incondicionales de aquí han falsificado la realidad puertorriqueña ante la comunidad internacional al decirle por años a la Organización de Naciones Unidas que los puertorriqueños ejercimos el derecho a la libre determinación en 1952, alcanzamos el gobierno propio y dejamos de ser colonia.

Hoy entiendo que por fin ustedes reconocen la existencia del problema colonial puertorriqueño. Si tuvieramos que decir algo meritorio sobre este proyecto es el listado de diez puntos de sus conclusiones, lo que ustedes llaman "findings", donde se señala que Puerto Rico ha sido siempre para ustedes un territorio sujeto a la autoridad absoluta del Congreso de Estados Unidos.

Ustedes insisten en llamamos territorio y no colonia como si ello aminorara el bochorno que deben sentir ustedes por ser la última potencia colonial.

Es hora de que ustedes entiendan que nosotros no somos un pedazo de tierra. Nosotros somos una nación, un pueblo caribeño y latinoamericano que por cien años ustedes han mantenido como un "botín de guerra" negándonos nuestros derechos y libertades.

Mientras ustedes se proclaman ante el mundo como los defensores de la democracia y los derechos humanos, aquí en Puerto Rico, en su dominación colonial ustedes han sido unos violadores de los principios democráticos y de los derechos humanos.

Mientras ustedes se ufanan de que su política está inspirada en los ideales de Washington, Jefferson, Hamilton y otros, que ustedes llaman los "founding fathers", aquí en Puerto Rico a los que pensamos y actuamos como aquellos padres de la patria, ustedes los persiguen, los encarcelan y los matan.

Ahora mismo hay quince patriotas puertorriqueños en las cárceles de Estados Unidos con condenas de 60 y 80 años de prisión por luchar por la independencia de su patria.

Si ustedes están seriamente en un proceso de rectificación de su política colonial ordenen la excarcelación de esos compatriotas nuestros y traiganlos a su casa.

Esa sería una muestra de buena voluntad de ustedes para el comienzo de un diálogo que conduzca a la descolonización.

El proceso descolonizador no debe comenzar con la celebración de un plebiscito como dispone el Proyecto Young.

La celebración de un plebiscito debe ser el final del proceso y no el comienzo. Los plebiscitos de 1967 y 1993 comprueban el fracaso de este curso de acción.

PROPONGO LO SIGUIENTE:

1. Que el Congreso y la Legislatura de Puerto Rico aprueben legislación conducente a que el pueblo de Puerto Rico elija una asamblea constituyente, asegurando la participación en ella de todas las tendencias políticas de Puerto Rico.

2. Que esa asamblea constituyente sea el instrumento negociador con el Congreso y el ejecutivo estadounidense para definir las opciones políticas alcanzables para el pueblo puertorriqueño.

3. Una vez definidas esas opciones, se sometan a votación por el pueblo de Puerto Rico en un plebiscito.

4. Las reglas que regirán al plebiscito deben cumplir con las normas internacionales.

Estoy convencido de que este es el curso de acción que garantiza una solución al problema colonial de Puerto Rico. Enfrentemos la realidad: ustedes en Estados Unidos no tienen consenso sobre una solución al problema colonial puertorriqueño. En Puerto Rico tampoco hay consenso. El proceso negociador de una asamblea constituyente definirá las opciones reales que tiene el pueblo puertorriqueño, lo que podríamos escoger nosotros y lo que ustedes podrían aceptar. Entonces el pueblo puertorriqueño votaría por opciones reales, no por aspiraciones como ha sucedido hasta ahora.

Cuando termine este proceso estoy convencido que hay una sola salida a este problema: **la independencia.**

Mr. MILLER. Mr. Morales.

STATEMENT OF EDGARDO MORALES, PROFESSOR OF ORGANIZATIONAL PSYCHOLOGY, UNIVERSITY OF PUERTO RICO, CAGUAS, PUERTO RICO

Mr. MORALES. Buenas. Mi nombre es Edgardo Morales, soy profesor universitario. Como un ciudadano privado, me preocupa la forma en que los temas de identidad y cultura aparecen en la ley que está ante su consideración.

Considero que esta ley parte de supuestos erróneos acerca de nuestra cultura, nuestra historia y nuestra identidad. Además es ambigua en cuanto a nuestras opciones para el futuro, especialmente la estadidad. La visión de la estadidad que aparece en esta ley la describe esencialmente como una relación jurídico-política que existe entre diferentes jurisdicciones o estados. Es por esto que los estadistas hacen referencia constante a los temas de ciudadanía y unión permanente. Ambos términos jurídico-políticos. Entiendo que esta noción de la estadidad ignora el desarrollo histórico de su nación. Durante su guerra civil, uno de los factores que hizo posible el movimiento Secesionista en los estados del sur, era el [uninteligible] Que la lealtad y la identificación del ciudadano era con su estado y no con la Unión. Su guerra civil se peleó para restaurar la unión como una realidad jurídico-política y como una relación psicológica. Como consecuencia, durante los últimos ciento cincuenta años, su país se ha preocupado no solo por las relaciones entre el gobierno Federal y los estados, sino por asegurarse que sus ciudadanos se identifiquen a sí mismos como Americanos. Mientras que la estadidad que se propone en esta ley ignora esta realidad histórica, los líderes del país en Puerto Rico la niegan. Proclaman que la Constitución Estadounidense le da el derecho a los estados a promover el que sus ciudadanos se identifiquen con aquellos símbolos que los distinguen como pueblos separados.

En nuestra última elección, mientras nuestro Gobernador aparecía en frente de la bandera Puertorriqueña en la mayor parte de sus anuncios, la bandera Americana brillaba por su ausencia. Por otro lado, los líderes estadistas afirman que no existe problema con que nuestro equipo Olímpico bajo la estadidad compita en contra de los Estados Unidos en competencias internacionales.

Deben entender señores Congresistas, que no estamos hablando meramente de una competencia atlética. Al igual que en su país, nuestro equipo es un símbolo igual que nuestra bandera y nuestro himno nacional son símbolos. Representan lo que somos como un colectivo, como una unidad, como una nación. Nuestro idioma nos es solo una herramienta de comunicación. Es un símbolo que representa nuestra esencia de pueblo Caribeño y Latinoamericano.

La fortaleza de nuestra identidad nacional nos ha permitido resistir los intentos por asimilarnos dentro de una cultura y un sistema político extranjero, porque después de todo lo que ustedes son en Puerto Rico, son extranjeros. Es por eso que los Puertorriqueños nos referimos a ustedes como "los Americanos" o "los gringos". Sus noticias aparecen en nuestros noticieros como noticias internacionales y su bandera y su himno no estremecen nada a nuestro electorado. Por eso es que los estadistas no pueden

apelar a los símbolos de su nación para aglutinar a sus huestes. Aunque desean la ciudadanía, muy pocos desean que se les refiera a ellos como Americanos.

Para dramatizar este punto, les pregunto que le exh- les exhorto a que le pregunten a los líderes estadistas ¿cuál es su país? ¿Cuál es la bandera de su país? Pregúntenles, si son “Puerto Rican-Americans”, pregúntenles si son Americanos. Los estadistas más fervientes contestarán inequívocamente. La mayoría, sin embargo, disgregarán un poco y terminan hablando de la ciudadanía Norteamericana.

En cuanto a esto no han sido claro con nuestro pueblo ni con el suyo. La verdad es que para muchos de ellos la estadidad es un matrimonio de conveniencia, un arreglo legal sin amor, provocado por el miedo a la pérdida de las ayudas Federales y del libre tránsito hacia los Estados Unidos. Me parece que ustedes tienen la responsabilidad de clarificar en esta ley lo que la estadidad significa desde un punto de vista de la psicología y la identidad nacional. Esto es necesario, no solo para nosotros sino para su propio pueblo.

Deben preguntarse si están dispuestos a resucitar una visión que fue sepultada con la Guerra Civil, y ha creado una unión que en su esencia sería una entidad multinacional, cuyos ciudadanos se vinculan a través de lazos jurídico- políticos y una ciudadanía en común, pero en donde sus lealtades psicológicas y emocionales, permanecen con su estado o su grupo nacional. Claro, siempre pueden seguir el curso de la ignorancia y la negación. Pueden creer que todo lo que hacen es integrar una minoría étnica o cultural que ha sido discriminada políticamente. Sin embargo, no se engañen.

Al considerar la estadidad, deben saber que están aceptando en el seno de su unión, una nación Latinoamericana, cuyo proceso histórico comenzó mucho antes que ustedes fueran colonizados y que ha desarrollado su propia identidad y cultura. Estarán aceptando en su seno una nacionalidad Latinoamericana, cuyos líderes de estadísticas- estadistas ya han proclamado su derecho a proteger su idioma Español, no importa los mandatos del Congreso.

Lo que deben saber, señores Congresistas, es que si la cláusula número diez de la Constitución nos protege, según alegan los líderes estadistas, también nos permite escoger el idioma Español como el idioma del estado de Puerto Rico. Lo hemos declarado así en el pasado. Nada impediría que lo volviéramos a hacer en el futuro. Al no ser como ustedes, seremos un cáncer para su Unión, representando y dirigiendo las fuerzas que habrán de desintegrarlos.

La necesidad de que su ley sea clara en cuanto a las implicaciones de las opciones que habrán de redactar y en cuanto a su concepto de lo que es el pueblo de Puerto Rico, es tan importante para ustedes como para nosotros, ya que al tratar de resolver nuestros debates, estarán debatiendo los temas que son de fundamental importancia para su pueblo. ¿Quiénes somos? ¿Quiénes queremos ser? ¿Cuál habrán de ser los lazos que nos unan? Estén seguros que al intentar definir su futuro, estarán definiendo el futuro, estarán definiendo el suyo propio. Ruéguele a Dios que no cometan un error. La existencia de su nación como hoy la conocen, está en juego.

Mr. MILLER. Thank you very much.
[The prepared statement of Mr. Morales follows:]

**REMARKS OF DR. EDGARDO MORALES, PROFESSOR
UNIVERSITY OF PUERTO RICO BEFORE THE COMMITTEE ON
RESOURCES, U.S. HOUSE OF REPRESENTATIVES
ON "THE UNITED STATES-PUERTO RICO POLITICAL STATUS
ACT", H.R. 856**

MONDAY, APRIL, 21, 1997
MAYAGÜEZ, PUERTO RICO

I want to address the issues of identity and culture as they appear in the proposed Status Act under consideration. It is of primary importance that the Bill be clear enough in matters related to our identity and culture so that the electorate can make an informed choice. I believe that in both these counts this Bill has serious failings. It begins with mistaken assumptions about our culture, our history, and our national identity, and is ambiguous about our choices for the future, in particular, in regards to statehood.

The view of statehood expressed in the Bill, can easily be represented as merely a juridical-political relationship between different jurisdictions or states. That is why, statehooders, when addressing this Committee have constantly made reference to citizenship and permanent union as the key elements of statehood. That is, they visualize statehood as a juridical relationship whose common link is US citizenship.

In preparing for this statement, I had the opportunity to re-read historian Bruce Canton's classic trilogy on the Civil War. It was obvious that one of the key factors that made the widespread secessionist movement possible was the idea held by southern secessionists, that one's primary loyalty and identification was with one's state rather than with the union. From this perspective, the Civil War was fought to restore the primacy of the union as juridical-political reality **and** a psychological one. In other words, as country you have concerned for the last 150 years not only with the juridical-political relationships between your states but also with having your citizens place their primary psychological loyalty in the union.

The statehood proclaimed in this Bill is not clear about this, neither are statehood leaders in Puerto Rico. They proclaim a statehood that can promote a state's right to have its citizens place their primary loyalty in the symbols that distinguish them as a separate people.

In our last election the governor appeared in front of a Puerto Rican flag during most of his ads. Old glory was nowhere to be seen. They see no problem in having an Olympic team compete against the United States. You must understand, this is not just an issue that has to do with sports, just as in your country, our Olympic team is a symbol, just as our flag is a symbol and our anthem is a symbol. They represent us as a collective, as a unit, as a nation if you will. Our language is not just a vehicle of communication, it is also a symbol that represents us as a Caribbean and Latin American people, who have a common historical and cultural bond.

The strength of this national identity is such that it resisted and it continues to resist attempts to assimilate us into a "foreign" political and cultural entity. For that is what you are, you are foreigners here. We refer to you as "los americanos" and "los gringos". Your news appear in our news casts under the international news and your national anthem and your flag does not stir the passions of our electorate.

Even statehooders speak of you this way. While many want to remain American citizens, few leaders state publicly that they want to be "Americans".

To dramatize this point, I challenge you to ask them, ask Mr. Romero, ask Mr. Rosselló, ask the proponents of statehood:: What is their country? What is their flag? What is their anthem? Ask them if they are Puertorrican-Americans? Ask them if they are Americans? The most ardent statehooders will be clear, they will answer you unequivocally. Most statehooders will fudge and pontificate. They will refer back to citizenship. They have never been clear in this regard with the Puertorrican people. The truth is that for many, statehood will be a marriage of convenience and not the heart, a legal, loveless relationship, that is fueled by fear of losing federal funding and free transit rather than a heartfelt commitment to the union.

As to you, you also have a responsibility to your people. For you need to ask yourselves if you are willing to alter the concept of the union, that it will mean negating 150 years of American history and resuscitating a vision of America that was buried in the Civil War. It will also mean proclaiming a vision, that conceives the union not as a multiethnic society but rather a multinational entity, whose citizens are linked by a juridical-political relationship and a common citizenship, but whose psychological and emotional loyalties are to their own national group and state.

Of course you may choose to go into denial and negation and believe that you are just integrating, a disenfranchised ethnic or cultural minority. But make no mistake, you will be accepting in your midst a Latin American nation, with a common history that began before you were even colonized and who has developed its own literature and drama and culture.

You will be accepting a Latin American nationality whose statehood leaders have already proclaimed the right to protect the Spanish language regardless of the mandates established by congress. **What you should know, is that the same protection given to us under article 10 of the constitution, will allow us, if we so choose and we have already done in the past, to declare Spanish as the official language of the state of Puerto Rico.** As a state we will be cancer on your union, representing and leading the forces that will tear you apart.

That is why the clarity of the choices offered and the implication of these choices are as important for you as for us, for in trying to bring resolution to our own debate you will be debating the issues that matter most to your people: Who are we as people? Who do we want to be? and What bonds us together as a union? Make no mistake, you should know that in attempting to define our future, you will define your own. Pray to God, you do it wisely, for your life as the nation you know depends on it.

Mr. MILLER. Mr. Underwood.

Mr. UNDERWOOD. Thank you very much. It has been a long time since I have been called a gringo, although I appreciate the——

Mr. MORALES. I exclude you from the category.

Mr. UNDERWOOD. Thank you very much. I was hoping that you would give me some relief from that characterization.

You touched on a very important point, Dr. Morales, on identity and nationhood, yet you have offered as an example the American Civil War.

It strikes me that even though there is much sympathy and much empathy for the idea of a national identity and that that national identity is one that is of primary importance inside an individual, there are also many other identities in life and that, in fact, much of the history of the world in recent times has been moving in a direction that is not exactly comforting or compatible with nation states as such.

So my question to you is, given the complexities of modern identity, given the fact that we are talking about one aspect of our lives and none of these are in isolation—and I am sure you readily admit as a fellow academic that none of these characteristics that we take with us are in isolation from others—and given the reality that at least, as has been portrayed to me, although there may be many explanations for support for independence as a political option has remained relatively stable over time and has declined from earlier decades, is it not conceivable that your characterization of identity as a national identity is seen by many people as just one dimension of their entire political personality and perhaps not the dominant one?

Mr. MORALES. Yes, let me answer that. I am a psychologist, so we could have a profound discussion about levels of identity and depths of identity and all those relevant terms.

Mr. UNDERWOOD. That is why I am so relieved we are not.

Mr. MORALES. The point I am trying to make—or I was trying to make—in my presentation is that I believe that, really, the issue here is not about us but it is about your conception of who you are as a nation.

The question really is whether it is important within the present framework of the United States and whether it is important for the Congress to consider your identity as a nation as a key element in any relationship or an inner relationship with a future state and the identification of inhabitants of that state with the idea of being part of the Nation and being, in a sense, Americans.

My whole point is that, for the last 150 years, the key issue that has driven most of the policy of the Congress has been, and it is presently underlined, the whole question, around English only and other laws having to do with immigration and having to do with who is an American. I believe that that is a key point. Now, you have to make a decision about that. That is my whole point.

What I think is confusing is when you start talking or making an equivalence between American citizenship and the psychological identification with being an American. I think those are two totally different things. I think you should consider that.

Mr. UNDERWOOD. I think it is a point well taken, and I would hasten to point out that the debate inside the United States has

not fully been resolved either. And although there are always people that have a very narrow definition as to what constitutes being American, there are also other more expansive views.

Mr. MORALES. My question is whether you would be willing to have a state where at least 50 percent of the people do not feel themselves to be Americans. That is just my point. Is that acceptable to the U.S. Congress, where half of the population of a future state, at least half of the population—I am not including the statehooders in this, but I imagine some percentage of those would resent being called *americanos* or at least they certainly do not call that themselves—would you be willing to accept that type of state?

Now that is a question I think for the Congress to decide. What I am suggesting is that you should introduce that as part of the debate that you are having in your own Nation.

Mr. UNDERWOOD. OK. Thank you.

Mr. MILLER. Mr. Romero-Barceló.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman.

I think everyone who has given testimony, they obviously mean what they have said, they are very sincere, and I think their points of view are very, very clear. I have no questions.

Mr. MILLER. Thank you.

I want to thank you very much. I think the views represented here and represented on other panels reflect the political history of this country. That is why I hate to keep beating a drum to one note here, but this is a very serious decision, and it should not be taken as anything other than that. It is very, very serious for the Congress, for the people we represent and for the people of Puerto Rico; and there is no way to get around that.

One of the problems I have always had in the past when we have considered starting this process is that sometimes people thought this was a free vote. They thought this was something you could do for politics. You could appear one way or another—the statehooders, the commonwealthers, the independents or what have you. I do not think it is that way at all. I think—if anybody believes that, I think they are losing the dignity of the political and cultural history of Puerto Rico. I just think that is fundamental.

I think that you have given us a great deal to think about and, hopefully, our colleagues in the Congress. Because this is not a trivial matter, and certainly it is not a trivial matter when we consider that worldwide dynamics of people in this day and age. I want to thank you very much for your testimony and for giving your time to the Committee.

Mr. UBINAS. Señores Congresistas, una pregunta. Le habla nuevamente—

Mr. MILLER. Oh, excuse me, I'm sorry.

Mr. UBINAS. Roberto Cardona Ubiñas de la Unión Patriótica Nacional. Todos los deponentes en este panel hemos coincidido en varios puntos, pero uno en particular. Quince compatriotas nuestros se encuentran presos cumpliendo condenas—largas condenas en Estados Unidos por el único delito de defender la idea de la libertad en su propio país. Nosotros interesamos que ustedes nos digan a nosotros, que ustedes van a hacer ahora con esta petición que al unísono le hace la inmensa mayoría del pueblo Puertorriqueño.

We would like to know, what is your answer to our request?

Mr. MILLER. That is quite easy. I have received the petition, I have received individual letters over the recent past, and I will do as I do with all those. I will look into it. I will not speak for others, but very clearly that is my situation. And those who chuckle do not know my political history.

I thank you.

Mr. MURIENTE PEREZ. Señor Congresista, si me permite a mí un tanto—

VOICE. Nosotros no admitimos eso, habla de ellas un poquito.

Mr. MURIENTE PEREZ. Nosotros, como ustedes, entendemos la importancia de la situación política del país. Esa es una de las razones por la que estamos aquí esta mañana. Solo quiero hacer un señalamiento, conforme a esa importancia que se supone que se le esté asignando a esto, el Por Tanto número cinco de la Resolución 1514 XV romano... 1514 romano XV de la ONU establece lo siguiente, muy brevemente. "En los territorios en fideicomiso y no autónomos y en todos los demás territorios que no han logrado aún su independencia, deberán tomarse inmediatamente medidas para traspasar todos los poderes a los pueblos de esos territorios sin condiciones ni reservas en conformidad con su voluntad y sus derechos libremente expresados, y sin distinción de raza, credo ni color para permitirles gozar de una libertad y una independencia absoluta."

Si ustedes creen, como dice creer, en la aplicación de la legalidad internacional para el caso de la descolonización de Puerto Rico, tendrían ustedes que comenzar por aplicar el Por Tanto número cinco de la Resolución 1514 Romano XV que supone la transferencia—

Mr. MILLER. Thank you.

Mr. MURIENTE PEREZ. [continuing] de poderes al pueblo de Puerto Rico. De esa manera si podemos imprimirle esa importancia, que usted Congresista Miller dice que tiene este proceso. De otra manera, lamentablemente prevalece la unilateralidad del Congreso que usted representa.

Mr. MILLER. Thank you very much.

Mr. ROMERO-BARCELÓ. [Presiding] I will call the next panel: The Honorable Victor Garcia San Inocencio, Mr. Erick Negron-Rivera, Ferdinand Lugo Gonzalez, Carlos A. Lopez-Rivera, Julian O. McConnie, and Joaquín Marquez.

**STATEMENT OF HON. VICTOR GARCIA SAN INOCENCIO,
HOUSE MINORITY LEADER, PUERTO RICAN INDEPENDENCE
PARTY, PUERTO RICO HOUSE OF REPRESENTATIVES, SAN
JUAN, PUERTO RICO**

Mr. ROMERO-BARCELÓ. We will start the panel now. We will start with Victor Garcia San Inocencio. Welcome.

Mr. INOCENCIO. Muy buenas tardes. Nuestro saludo a los miembros del Congreso, al señor Presidente Actuante.

Antes que nada, quisiéramos que para propósito de registro, sea admitida nuestra ponencia alargada, que obviamente es mucho más extensa de la que vamos a leer aquí, que fue sometida el jueves pasado para que sea admitida en récord.

Mr. ROMERO-BARCELÓ. The statement by Mr. Victor Garcia San Inocencio has been submitted in writing and will be made part of the record. So ordered.

Mr. INOCENCIO. Muchas gracias. Saludamos al señor Presidente y a los miembros de esta comisión. Permitásenos dirigirnos a un asunto crucial debe ser objeto de tratamiento en la versión final de este proyecto. Un asunto crucial más, entre los muchos. ¿Cómo propiciamos una consulta sobre el futuro político de Puerto Rico en la que el asfixiante poder económico de las corporaciones privadas y el gobierno controlado por el anexionista Partido Nuevo Progresista, no influyan indebidamente para favorecer una fórmula de status particular. Se trata de un asunto de equidad esencial.

Nuestra historia política reciente muestra la enorme influencia que ejercen las personas jurídicas en los recaudos de fondos para las campañas políticas, junto a la utilización de dinero y recursos del pueblo para subvencionar esas campañas. La autorización de fondos y recursos públicos para adelantar la causa del partido político que controla el gobierno.

Es preciso que sus investigadores estén al tanto, de como a lo largo de nuestra historia política, el partido político incumbente se ha valido del presupuesto y los recursos públicos para apoyar su posición política. El asunto fue tratado por el Tribunal Supremo de Puerto Rico el año pasado, concluyendo que se utilizaron indebidamente millones de dólares por el gobierno controlado por el PNP para resaltar su imagen.

Se trata de un mal viejo del que no han estado exento ninguno de los dos partidos políticos que predicán la unión permanente con los Estados Unidos. Han tenido derecho otro unión permanente con el presupuesto público, para adelantar ventajosamente sus intereses partidistas y status político.

Segundo punto, el mal de los donativos y contribuciones políticas de las cam- de las corporaciones públicas. Los partidos políticos de la unión permanente con el presupuesto, PNP y PPD, no se contentan con este abuso que burla cualquier aspiración de que haya un proceso eleccionario o plebiscitario democrático. Añaden a su mofa, la práctica habitual de requerir a contratistas gubernamentales, aportaciones económicas cuantiosas para financiar campañas políticas.

Se crea una asombrosa simbiosis corporativa y de partido de gobierno. Cientos de campañas individuales de alcaldes, legisladores y de los partidos que ocupan las oficinas gubernamentales, son financiadas por contratistas y proveedores a través de donativos. Lo cierto es, que lo que no se financia con dinero público esquilnado ilícitamente, se financia con donativos corporativos de proveedores y suplidores. Para los contratistas inescrupulosos, tales donativos se traducen en una inversión económica de campaña que será recuperada con creces en el siguiente término de gobierno.

Punto número tres, las raíces del mal. Lo cierto es que la política local al interior de la colonia, contiene un semillero de corrosión y de corrupción. Acostumbrados a predicar, promover e intensificar la independencia económica hacia los Estados Unidos, los líderes políticos coloniales del PNP y del PPD se han encargado de hacer lo que halla que hacer para quedarse en el control de los cargos y

han fomentado la dependencia económica y los miedos a la libertad a través de los resortes de control económico.

Número cuatro, el remedio que proponemos. Sostenemos que bajo la cláusula territorial, ustedes, miembros del Congreso, deben prohibir los donativos de contratistas del gobierno de Puerto Rico o el de los Estados Unidos y de las personas jurídicas en general, a las campañas partidistas o de comités de acción política dirigidos a favorecer algunas fórmulas de status final para Puerto Rico.

Más aún, sostenemos que el proyecto debe incluir también medidas coercitivas que prohíban la utilización de recursos gubernamentales y fondos públicos para promover directa o indirectamente cualquier campaña de status. Existiría una excepción a este principio y sería la de los fondos expresamente consignados en la ley de plebiscito Federal o estatal para el uso en campañas.

Una mención final, urge que se modifique el proyecto para restringir los donativos corporativos y de contratistas gubernamentales a las campañas de status. Resulta igualmente urgente que se controle cualquier gasto gubernamental en especie, anuncios de dinero público, para favorecer a alguna fórmula de status.

Gracias por su atención.

[The prepared statement of Mr. Inocencio follows:]

**PONENCIA ANTE EL COMITE
DE ASUNTOS INSULARES DE LA
CAMARA DE REPRESENTANTES
DE ESTADOS UNIDOS.**

HON. VICTOR GARCIA SAN INOCENCIO
PORTAVOZ
PARTIDO IDEPENDENTISTA PUERTORRIQUEÑO
CAMARA DE REPRESENTANTES DE
PUERTO RICO

Lunes, 21 de abril de 1997.

Saludamos al señor Presidente y a los demás miembros de esta Comisión.

Nuestra ponencia hoy será breve. Otros compañeros del Partido Independentista Puertorriqueño prestaron testimonio anteayer en San Juan y hoy aquí en Mayaguez.

Permítasenos dirigirnos a un sólo asunto crucial que no queremos sea pasado por alto en el proceso deliberativo de ustedes y que debe ser objeto de tratamiento en la versión final del proyecto.

¿Cómo propiciamos una consulta sobre el futuro político de Puerto Rico en la que el asfixiante poder económico de las corporaciones privadas y el del gobierno de Puerto Rico controlado por el anexionista Partido Nuevo Progresista no influyan indebidamente el proceso utilizando sus recursos cuantiosos y los del Pueblo de Puerto Rico para favorecer una fórmula particular de status político?

Se trata de un asunto de equidad esencial. Pues la historia política reciente de Puerto Rico muestra la enorme influencia que ejercen las personas jurídicas en los recaudos de fondos para las campañas políticas, junto a la utilización de dinero y recursos del Pueblo para subvencionar esas campañas cargándolas a favor del partido político que maneja el gobierno.

I- La Utilización de Fondos Públicos y Recursos Públicos Para Adelantar la Causa del Partido Político Que Controla El Gobierno:

Es preciso que sus investigadores estén al tanto de cómo a lo largo de nuestra historia política ---y con particular voracidad en tiempos más recientes ---el partido político incumbente se ha valido del presupuesto y los recursos públicos para apoyar su posición política.

El asunto fue tratado por el Tribunal Supremo de Puerto Rico tan recientemente como el año pasado siendo el hallazgo principal que se utilizaron indebidamente decenas de millones de dólares por el gobierno controlado por el Partido Nuevo Progresista a través de los presupuestos de agencias centrales y corporaciones públicas para resaltar su imagen y su supuesta obra de gobierno. Otro tanto fue el caso de un gobierno municipal controlado

Página 3

*Ponencia Ante El Comité de Asuntos Insulares
de la Cámara de Representantes de Estados Unidos*

por el Partido Popular Democrático. (Veáse Partido Popular Democrático v. Pedro Rosselló González, et als., 95JTS 165.)

Se trata de un mal viejo del que no han estado exentos ninguno de los dos partidos políticos que predicán la unión permanente con los Estados Unidos. Han tenido de hecho otra unión permanente con el presupuesto público para adelantar ventajosamente sus intereses partidistas y de status político.

II- El mal de los "Donativos" y Contribuciones Políticas de las Corporaciones Privadas.

Los partidos políticos de la unión permanente con el presupuesto (PNP y PPD) no se contentan con este abuso que burla cualquier aspiración de que haya un proceso eleccionario ---o plebiscitario--- democrático. Añaden a su mofa la práctica habitual de requerir a contratistas gubernamentales aportaciones económicas que resultan cuantiosas para financiar campañas políticas.

Se crea un asombroso engranaje de simbiosis corporativa y de partido de gobierno. Cientos de campañas individuales de Alcaldes, legisladores y de los partidos que ocupan las oficinas gubernamentales son financiadas por contratistas y proveedores a través de donativos. Algunos de esos donativos ---cuando están dentro de los topes permitidos por la ley electoral local--- se consignan en la Comisión Estatal de Elecciones de Puerto Rico. Los que exceden esos topes no son registrados por razones evidentes.

Lo cierto es que lo que no se financia con dinero público esquilado ilícitamente, se financia con donativos corporativos de proveedores y suplidores.

Naturalmente para los contratistas inescrupulosos, tales donativos, que pueden ser o no voluntarios, se traducen en una inversión económica ---en una especie de apuesta--- de campaña, que será recuperada con creces en el siguiente término del gobierno.

La más notoria de las estructuras que posibilitan la relación de simbiosis corporativa-partidista es una entidad conocida como Empresarios con Rosselló. No todos sus miembros son contratistas gubernamentales, pero muchos sí. A sus miembros se les ofrecía almorzar o cenar con el jefe de la agencia o corporación de su predilección a cambio de donativos. No es casualidad que muchos contratistas escogiesen a las corporaciones públicas donde licitan para almorzar o cenar con sus jefes y no precisamente para hablar del beisbol de las Grandes Ligas.

III- Las Raíces del Mal

No basta con reconocer que existe una relación colonial entre Puerto Rico y Estados Unidos que es dañina y maligna para ambos pueblos y que hay que acabarla.

Página 4
Ponencia Ante El Comité de Asuntos Insulares
de la Cámara de Representantes de Estados Unidos

Lo cierto es que la colonia pudre la cultura política y los procesos y relaciones políticas que la encarnan. La política local al interior de la colonia contiene un semillero de corrosión y de corrupción. Acostumbrados a predicar, promover e intensificar la dependencia económica hacia los Estados Unidos los líderes políticos coloniales del PNP y del PPD se han encargado de hacer lo que haya que hacer para quedarse en el control de los cargos y han fomentado la dependencia económica y los miedos a la libertad --- independencia--- a través de los resortes de control económico.

De hecho, las campañas ---aún las semiplebiscitarias del 1991 y 1993--- son un espectáculo sobre quién ofrece más cupones y dinero de sus contribuyentes en Alaska, Wyoming y otros estados de su unión. Esto se hace sin recato alguno, con absoluto descaro. Para ello, se financian estas campañas con dinero y recursos gubernamentales esquilados ilícitamente o con "donativos" de corporaciones inversionistas a las que se les conceden contratos gubernamentales.

En su país no se permite que en las campañas federales personas que contratan con los Estados Unidos como proveedores puedan hacer donativos. (Véase 2 USC sec. 441c (a) Aunque bajo el subinciso (b) se permite la creación de fondos segregados separados.

Llamo su atención a estas disposiciones porque sostenemos que en el ejercicio de sus poderes plenarios para disponer del territorio bajo el Artículo IV, sección 3, párrafo 2 de su Constitución ---la llamada cláusula territorial--- es posible concebir legislación federal mucho más estricta para restringir los donativos de los contratistas gubernamentales y de las personas jurídicas tendentes a sostener campañas a favor de alguna de las fórmulas de status político para Puerto Rico.

IV- El Remedio

Sostenemos que bajo la Cláusula Territorial ustedes deben prohibir los donativos de contratistas del gobierno de Puerto Rico o del de los Estados Unidos y de las personas jurídicas en general a las campañas partidistas o de comités de acción política dirigidos a favorecer alguna fórmula de status final para Puerto Rico.

Puede argumentarse y defenderse la posición de que tratándose de una decisión que compete a las personas naturales sobre el destino final del territorio colonial, el Congreso tiene poderes para restringir los donativos de campaña descritos y circunscribirlos únicamente a las personas naturales con derecho a participar en la elección.

Más aún, sostenemos que el proyecto debe incluir también medidas coercitivas que prohíban la utilización de recursos gubernamentales y fondos públicos para promover directa o indirectamente cualquier campaña de status. Existiría una excepción a este

Página 5
Ponencia Ante El Comité de Asuntos Insulares
de la Cámara de Representantes de Estados Unidos

principio y sería la de los fondos expresamente consignados en la ley de plebiscito federal o estatal para el uso en campañas.

Cuando hablamos de medidas coercitivas hablamos de remedios civiles y criminales drásticos ---de naturaleza interdictal sumaria y de orden penal--- contra los transgresores de las prohibiciones descritas.

V- Una Mención Final

Ustedes se han percatado de lo politizada que es la sociedad puertorriqueña y de las pasiones políticas que se arremolinan en el vórtice del debate sobre el status colonial. Es que la colonia coloniza y lleva a que sucedan eventos impensables e insospechables...

Hace menos de una semana el partido político en el poder continuó su campaña fascista de estrangulamiento económico de los medios de comunicación que realizan investigaciones periodísticas sobre la simbiosis existente entre los contratistas privados y la finanza pública. Hemos presentado cuatro medidas legislativas sobre el particular que se acompañan.

A raíz de esta última atrocidad contra la libertad de prensa en el país la Sociedad Interamericana de Prensa y sus componentes hicieron expresiones muy enérgicas sobre los actos reprensibles del gobierno de turno. Este caso que provocó la Primera Plana que les muestro es sólo un indicador de la irracionalidad que puede asaltar a los políticos coloniales en su pasión encefalecedora por controlar la chupeta presupuestaria colonial.

Contra esa irracionalidad y contra los excesos que provoca es que quise venir a prevenirlos hoy. Urge que se modifique el proyecto para restringir los donativos corporativos y de contratistas gubernamentales a las campañas de status. Resulta igualmente urgente que se controle cualquier gasto gubernamental en especie, anuncios o dinero público para favorecer alguna fórmula de status.

Ambas salvaguardas propenderán a una consulta de status que se acerque más al balance.

Para los independentistas esto es particularmente indispensable pues cargamos el peso de décadas de persecución y criminalización que nos han excluido virtualmente de ocupar cargos electivos en un mundo donde el gobierno se ve más como un instrumento político partidista y menos como una entidad destinada a servir imparcialmente.

Gracias por su atención. Estamos a su disposición para contestar sus preguntas.

174

6

ANEJO

MIÉRCOLES 16 DE ABRIL DE 1997
AÑO XXV NUM. 9746

metro

EL NUEVO día 45¢



DEPORTES

**Renuncia Fico
López como
dirigente de
San Juan**

VEA LA PAGINA 166

Coro de críticas en torno a la ofensiva de Hacienda P/7

editorial

“El método coactivo que emplea el gobierno es repugnante y atentatorio contra la mejor tradición del País. Por eso lamentamos que el Gobernador, con su conducta poco reflexiva, esté empañando el preciado valor de la libertad de prensa, orgullo legítimo de los puertorriqueños”



Ordenó el gobernador
Rossello que se
cancele la publicación
de anuncios del
gobierno en
El Nuevo Día

Varios fuentes en La Fortaleza, así como en otros lugares, confirmaron que la orden provenía de Rossello.

HON. VICTOR GARCIA SAN INOCENCIO
Portavoz Partido Independentista Puertorriqueño
Cámara de Representantes
Apartado 9022228
El Capitolio
San Juan, Puerto Rico 00902-2228
Tel: (787) 725-4969

Mr. ROMERO-BARCELÓ. Senor Erick Negrón-Rivera.

STATEMENT OF ERICK G. NEGRON-RIVERA, TAX POLICY ADVISOR, PUERTO RICO INDEPENDENCE PARTY, PUERTO NUEVO, PUERTO RICO

Mr. NEGRON-RIVERA. Good afternoon. Mi nombre es Erick Gustavo Negrón-Rivera y comparezco como asesor económico del Partido Independentista Puertorriqueño. En conversaciones sobre el Proyecto Young y al igual que ocurrió en las discusiones plebiscitarias de 1989 a 1991, varios congresistas ya han empezado al PIP su interés por conocer lo que sería el perfil económico de la independencia para Puerto Rico. Es mi intención resumir los contornos básicos de esa opción de status.

Durante las décadas de 1950 y 1960, Puerto Rico logró un gran crecimiento económico, alcanzando en el 1970 un producto per capita casi similar al de Israel, Italia, Japón y Austria. En los últimos veinticinco años, sin embargo, la experiencia ha sido muy distinta. Un buen número de países independientes que en 1970 eran más pobres o mucho más pobres de Puerto Rico, como Singapur, Malta, Portugal, Irlanda y Argentina, entre otros, nos ha sobrepasado en producto per capita a veces por mucho.

A la vez, los países que en 1970 eran más ricos que Puerto Rico, han aumentado considerablemente su ventaja sobre la isla mientras que esta no ha sobrepasado en producto per capita a un solo país desde entonces.

El relativo estancamiento de Puerto Rico frente a tantos países independientes no ha sido casualidad. Las ventajas económicas de la independencia, en efecto, se han multiplicado como consecuencia del gradual desmantelamiento de las barreras comerciales y los avances en la inversión trasnacional durante el último cuarto de siglo.

Hoy día la independencia en vez de impedirle a un país pequeño el acceso a los principales mercados mundiales, le permite a los países competir eficazmente en la economía globalizada, ajustando sus políticas de incentivos a sus propias necesidades particulares.

En el caso de Puerto Rico, la independencia permitiría acceder [sic] Otros mercados aparte del Norteamericano con mucha mayor facilidad que en la actualidad. Al dejar de aplicar las restricciones Norteamericanas de importación, tarifa, cuotas, presuntos requisitos de calidad, leyenda de cabotaje, etcétera, la isla podría comprar bienes y servicios del extranjero a un costo más bajo que el actual, tanto en el renglón de los productos de consumo como en el de los insumos agrícolas e industriales.

A la vez, la capacidad de suscribir tratados comerciales con otros países, haría posible ampliar nuestro mercado de exportación, principalmente en el Caribe, América Latina y Europa. Por otro lado, en el área contributiva, tras la reciente eliminación de la Sección 936, Puerto Rico ya ha quedado sujeto para propósitos de nuevas inversiones, a las mismas normas Federales generales aplicables a las inversiones Norteamericanas en países independientes. Países como Irlanda y Singapur han usado estas normas durante décadas para atraer exitosamente industrias Norteamericanas. Bajo la independencia más aún, Puerto Rico podría suscribir tratados de exención contributiva con los países de

Europa Occidental, Japón y Canadá, diversificando así sus fuentes de inversión y tecnología.

Si Puerto Rico, usando las herramientas de la independencia, lograra reducir en tan solo uno por ciento anual el costo de sus actuales compras de bienes y servicios en el exterior, ya fuere mediante el acceso a mercados más baratos o mediante la sustitución competitiva de importaciones, se estaría ahorrando a los diez años más dinero del que actualmente recibe en transferencias unilaterales del gobierno Federal, es decir, excluyendo derechos adquiridos y excluyendo los gastos operacionales de las agencias Federales en la isla.

El beneficio de esas transferencias que han convertido a la isla en un gueto económico, han sido a lo sumo dudosos. Lo que si ha beneficiado a Puerto Rico, ha sido la cultura de libre mercado que ha desarrollado en su relación con los Estados Unidos. Esa cultura unida a nuestra localización geográfica, infraestructura física y adelanto técnico, sitúa a Puerto Rico como foco potencial de enlace comercial y liderato económico en el Caribe.

Frente a las propuestas del ELA y la estadidad, basadas en perpetuar y aumentar la dependencia que desmoraliza a Puerto Rico y socaba sus fibras de convivencia, la independencia se basa en el trabajo digno, productivo y autosostenible. Esa diferencia fundamental hace de la independencia la mejor opción económica tanto para Puerto Rico como para el Tesoro de los Estados Unidos.

[The prepared statement of Mr. Negron-Rivera follows:]

PONENCIA ANTE COMISION DE RECURSOS NATURALES
CAMARA DE REPRESENTANTES DE LOS ESTADOS UNIDOS

21 de abril de 1997

Vistas Públicas en torno al H. R. 856

por Lcdo. Erick Negrón-Rivera

Asesor Económico del Partido Independentista Puertorriqueño

Mi nombre es Erick Gustavo Negrón Rivera. Comparezco como asesor económico del Partido Independentista Puertorriqueño.

En conversaciones sobre el proyecto Young, y al igual que ocurrió en las discusiones plebiscitarias de 1989-1991, varios congresistas le han expresado al PIP su interés por conocer lo que sería el perfil económico de la independencia para Puerto Rico. Es mi intención resumir los contornos básicos de esa opción de status.

Durante las décadas de 1950 y 1960 Puerto Rico logró un gran de crecimiento económico, alcanzando en 1970 un producto per cápita casi similar al de Israel, Italia, Japón y Austria. En los últimos 25 años, sin embargo, la experiencia ha sido muy distinta: un buen número de países independientes que en 1970 eran más pobres o mucho más pobres que Puerto Rico--como Singapur, Malta, Portugal, Irlanda y Argentina, entre otros--nos han sobrepasado en producto per cápita, a veces por mucho. A la vez, los países que en 1970 eran más ricos que Puerto Rico han aumentado considerablemente su ventaja sobre la isla, mientras que ésta no ha sobrepasado en producto per cápita a un sólo país desde entonces.

El relativo estancamiento de Puerto Rico frente a tantos países independientes no ha sido casualidad. Las ventajas económicas de la independencia, en efecto, se han multiplicado como consecuencia del gradual dismantelamiento de las barreras comerciales y los avances en la inversión transnacional durante el último cuarto de siglo. Hoy día la independencia, en vez de

impedirle a un país pequeño el acceso a los principales mercados mundiales, le permite a los países competir eficazmente en la economía globalizada ajustando sus políticas de incentivos a sus propias necesidades particulares.

En el caso de Puerto Rico, la independencia permitiría acceder a otros mercados aparte del norteamericano con mucha mayor facilidad que en la actualidad. Al dejar de aplicar las restricciones norteamericanas de importación--tarifas, cuotas, presuntos requisitos de calidad, leyes de cabotaje, etc.--la isla podría comprar bienes y servicios del extranjero a un costo más bajo que el actual, tanto en el renglón de los productos de consumo como en el de los insumos agrícolas e industriales. A la vez, la capacidad de suscribir tratados comerciales con otros países haría posible ampliar nuestros mercados de exportación, principalmente en el Caribe, América Latina y Europa.

Por otro lado en el área contributiva, tras la reciente eliminación de la sección 936, Puerto Rico ya ha quedado sujeto--para propósitos de nuevas inversiones--a las mismas normas federales aplicables a las inversiones norteamericanas en países independientes. Países como Irlanda y Singapur han usado estas normas durante décadas para atraer exitosamente industrias norteamericanas. Bajo la independencia, más aún, Puerto Rico podría suscribir tratados de exención contributiva con los países de Europa Occidental, Japón y Canadá, diversificando así sus fuentes de inversión y tecnología.

Si Puerto Rico, usando las herramientas de la independencia, lograra reducir en tan sólo un 1% anual el costo de sus actuales compras de bienes y servicios en el exterior, ya fuere mediante el acceso a mercados más baratos o mediante la sustitución competitiva de importaciones, se estaría ahorrando a los diez años más dinero del que actualmente recibe en

transferencias unilaterales del gobierno federal (es decir, excluyendo derechos adquiridos, y excluyendo los gastos operacionales de las agencias federales en la isla). El beneficio de esas transferencias, que han convertido a la isla en un "ghetto" económico, ha sido a lo sumo dudoso; lo que sí ha beneficiado a Puerto Rico ha sido la cultura de libre mercado que ha desarrollado en su relación con los Estados Unidos. Esa cultura, unida a nuestra localización geográfica, infraestructura física y adelanto técnico, sitúa a Puerto Rico como foco potencial de enlace comercial y liderato económico en el Caribe.

Frente a las propuestas del ELA y la estadidad, basadas en perpetuar y aumentar la dependencia que desmoraliza a Puerto Rico y socava sus fibras de convivencia, la independencia se basa en el trabajo digno, productivo y autosostenible. Esa diferencia fundamental hace de la independencia la mejor opción económica tanto para Puerto Rico como para el tesoro de los Estados Unidos.

LCDO. ERICK NEGRÓN-RIVERA
963 AVENIDA ROOSEVELT
PUERTO NUEVO, PUERTO RICO 00929-9990
Tel. 782-1455 782-1430

Mr. ROMERO-BARCELÓ. Thank you, Mr. Negron-Rivera.
Mr. Gonzalez.

STATEMENT OF THE HONORABLE FERDINAND LUGO GONZALEZ, REPRESENTATIVE, PUERTO RICO HOUSE OF REPRESENTATIVES, SAN JUAN, PUERTO RICO

Mr. GONZALEZ. Buenas tardes, señor Presidente de la Comisión de Recursos, señor Comisionado Residente Romero-Barceló y a los distinguidos congresistas que están presentes y nos visitan.

Se dirige a ustedes el Licenciado Ferdinand Lugo. Primero bienvenidos al Distrito Representativo número diecisiete de Mayagüez, y al área oeste del Estado Libre Asociado de Puerto Rico. Represento en la legislatura el distrito en el cual nos encontramos y también a miles de Puertorriqueños que como yo, están indignados ante la poca o ninguna consideración política seria que el lenguaje del Proyecto 856 ha tenido para el pueblo de Puerto Rico y sobre todo, para su mayor logro político- jurídico: el Estado Libre Asociado de Puerto Rico.

Puerto Rico ha tenido y tiene una tradición autonomista, que se materializó por vez primera luego de luchas, sufrimientos, encarcelamientos y negociaciones en la carta autonómica con España allá para el año de 1897. Este año precisamente, celebramos los hijos y las hijas de la nación Puertorriqueña, cien años de haber obtenido nuestro primer proyecto de gobierno propio, la carta autonómica, que dio origen al primer gabinete constitucional y gobierno de Puertorriqueños, inaugurado el 14 de febrero de 1898.

Luego vino la guerra Hispanoamericana y sin ser Puerto Rico parte del acto bélico, fuimos ocupados militarmente por los Estados Unidos y nuestro primer gobierno autonómico Puertorriqueño fue desecho por vía de la ley congresional Foraker.

Volvimos de nuevo a la lucha de pueblos, a rescatar el gobierno propio, el orden constitucional civil, el idioma Español para nuestros hijos, mejorar las condiciones de vida, restaurar nuestra naturaleza de pueblo dominado y mancillado. Cincuenta y tres años después lo logramos, producto de otras luchas, sufrimientos, encarcelamiento, persecución y negociación con el Congreso de los Estados Unidos de América para llegar a un pacto y obtener gobierno propio.

En el año de 1950, luego de que el pueblo de los Estados Unidos y la comunidad internacional vieron la fuerza, pujanza y exigencias del pueblo de Puerto Rico por obtener mayor autonomía, un gobierno propio y una constitución, el Congreso aprobó la Ley 600, la cual fue ratificada por mayoría del pueblo de Puerto Rico. Posteriormente se perfeccionó un pacto al aprobar el Congreso y el Presidente firmar, la Ley Pública 447 el 3 de marzo de 1952 y completarse un pacto bilateral entre dos pueblos.

Fue de tal manera reconocido por los Estados Unidos el pacto y el nacimiento del Estado Libre Asociado de Puerto Rico, que el propio Departamento de Estado de los Estados Unidos, a través de la delegación Estadounidense, presentó ante el Consejo General de las Naciones Unidas, la posición de que Puerto Rico había superado su condición colonial y había sido investido de los atributos de

gobierno propio con su soberanía, como una entidad política autónoma.

Ese pacto y nueva relación política ha sido respaldada por nuestro pueblo en tres plebiscitos, habiendo sido el último en el 1993, y ahora el Congreso pretende con este Proyecto 856 hacernos retroceder en la historia, entregar los derechos colectivos alcanzados con nosotros en asociación con los Estados Unidos, y volver al coloniaje de antes de 1952 u obligarnos a optar por la estadidad en contra de nuestra voluntad. Obviamente, eso no lo puede permitir este pueblo.

Este proyecto, aparte de ser indigno y denigrante para nuestro pueblo, está siendo legislativamente procesado como si las vistas públicas fuesen un ejercicio investigativo rutinario del Congreso, y no un proyecto de la seriedad que amerita la situación del status de este país. Advertir a los testigos que pueden ser bajo juramento tiene el efecto, si no la intención de amedrentar a los deponentes, o por lo menos crea una disgustante opinión sobre los procesos de la Comisión y sus fines.

Señores congresistas, cuarenta y cinco años después de haberse constituido el Estado Libre Asociado ratificado en tres ocasiones por los Puertorriqueños, ustedes van a entender, van a tener que entender de corazón, que la nación Puertorriqueña no quiere ser incorporada como otro estado de la Unión. Exigimos el respeto al pacto establecido en 1952 y vamos en camino a solicitar más gobierno propio y más poderes para el Estado Libre Asociado. Si ustedes aceptan la definición propuesta por el Presidente del Partido Popular Democrático, aceptan las definiciones propuestas por las otras dos fórmulas tan dignas como la nuestra y se comprometen implantarla en un término razonable el mandato del pueblo, entonces estaremos ante un proceso justo, en el cual podemos participar sin ceder los derechos, garantías, privilegios obtenidos en más de cien años de lucha, por autonomía y gobierno propio.

Muchas gracias, señor Presidente.

[The prepared statement of Mr. Gonzalez follows:]

*Estado Libre Asociado de Puerto Rico
Cámara de Representantes
Capitolio, San Juan, Puerto Rico 00901*

*Hon. Ferdinand Lugo González
Representante Distrito Núm. 19 Mayaguez*

*Portavoz
Comisión de la Región Oeste*

*Miembro Comisiones
Gobierno, Agricultura y
Recursos Naturales*

**TESTIMONIO DEL HON. FERDINAND LUGO GONZÁLEZ
REPRESENTANTE DISTRITO NÚM. 19 MAYAGUEZ
ESTADO LIBRE ASOCIADO DE PUERTO RICO**

**ANTE EL COMITÉ DE RECURSOS
CAMARA DE REPRESENTANTES DE LOS E.U.A.
MAYAGUEZ, PUERTO RICO**

**SOBRE H. R. 856
LEY SOBRE EL STATUS POLÍTICO DE
ESTADOS UNIDOS-PUERTO RICO**

**Apartado 9022228
Cámara de Representantes
San Juan, Puerto Rico 00902-2228**

BUENAS TARDES:

SR. PRESIDENTE DE LA COMISIÓN DE RECURSOS

SR. COMISIONADO RESIDENTE, ROMERO BARCELÓ

DISTINGUIDOS CONGRESISTAS QUE NOS VISITAN:

**BIENVENIDOS AL DISTRITO REPRESENTATIVO 19; MAYAGUEZ Y AL
ÁREA OESTE DEL ESTADO LIBRE ASOCIADO DE PUERTO RICO.**

**REPRESENTO EL DISTRITO EN EL CUAL NOS ENCONTRAMOS Y TAMBIÉN
A MILES DE PUERTORRIQUEÑOS QUE, COMO YO, ESTÁN INDIGNADOS ANTE
LA POCA O NINGUNA CONSIDERACIÓN POLÍTICA SERIA QUE EL LENGUAJE
DEL "PROYECTO 856" HA TENIDO PARA EL PUEBLO DE PUERTO RICO Y
SOBRE TODO PARA SU MAYOR LOGRO POLÍTICO-JURÍDICO: EL ESTADO
LIBRE ASOCIADO DE PUERTO RICO.**

**PUERTO RICO HA TENIDO Y TIENE UNA TRADICIÓN AUTONOMISTA
QUE SE MATERIALIZÓ POR VEZ PRIMERA, LUEGO DE LUCHAS,
SUFRIMIENTOS, ENCARCELAMIENTOS Y NEGOCIACIONES EN LA CARTA
AUTONÓMICA CON ESPAÑA ALLÁ PARA EL AÑO 1897. ESTE AÑO
PRECISAMENTE, CELEBRAMOS LOS HIJOS Y LAS HIJAS DE LA NACIÓN
PUERTORRIQUEÑA CIENT AÑOS DE HABER OBTENIDO NUESTRO PRIMER
PROYECTO DE GOBIERNO PROPIO; LA CARTA AUTONÓMICA QUE DIÓ
ORIGEN AL PRIMER GABINETE CONSTITUCIONAL Y GOBIERNO DE
PUERTORRIQUEÑOS INAUGURADO EL 14 DE FEBRERO DE 1898.**

LUEGO, VINO LA GUERRA HISPANO-AMERICANA Y SIN SER PUE-
RICO PARTE DEL ACTO BÉLICO, FUIMOS OCUPADOS MILITARMENTE POR
LOS ESTADOS UNIDOS Y NUESTRO PRIMER GOBIERNO AUTONÓMICO
PUERTORRIQUEÑO FUE DESHECHO POR VÍA DE LA LEY "FORAKER".

VOLVIMOS A NUESTRA LUCHA DE PUEBLO, A RESCATAR EL
GOBIERNO PROPIO, EL ORDEN INSTITUCIONAL CIVIL, EL IDIOMA ESPAÑOL
PARA NUESTROS HIJOS, MEJORAR LAS CONDICIONES DE VIDA, RESTAURAR
NUESTRA NATURALEZA DE PUEBLO DOMINADO Y MANCILLADO,
CINCUENTA Y TRES (53) AÑOS DESPUÉS LO LOGRAMOS, PRODUCTO DE
OTRAS LUCHAS, SUFRIMIENTOS, ENCARCELAMIENTOS, PERSECUCIÓN Y
NEGOCIACIÓN CON EL CONGRESO DE LOS ESTADOS UNIDOS DE AMÉRICA,
PARA LLEGAR A UN PACTO Y OBTENER GOBIERNO PROPIO.

EN EL 1950, LUEGO DE QUE EL PUEBLO DE LOS ESTADOS UNIDOS Y
LA COMUNIDAD INTERNACIONAL VIERON LA FUERZA, PUJANZA Y
EXIGENCIAS DEL PUEBLO DE PUERTO RICO POR OBTENER MAYOR
AUTONOMÍA, UN GOBIERNO PROPIO Y UNA CONSTITUCIÓN, EL CONGRESO
APROBÓ LA "LEY 600", LA CUAL FUE RATIFICADA POR MAYORÍA DEL
PUEBLO DE PUERTO RICO. POSTERIORMENTE, SE PERFECCIONÓ UN PACTO
AL APROBAR EL CONGRESO Y EL PRESIDENTE FIRMAR LA LEY PÚBLICA
447 EL 3 DE MARZO DE 1952 Y COMPLETARSE UN PACTO BILATERAL ENTRE
DOS PUEBLOS.

FUE DE TAL MANERA RECONOCIDO POR LOS ESTADOS UNIDOS EL PACTO Y EL NACIMIENTO DEL ESTADO LIBRE ASOCIADO DE PUERTO RICO, QUE EL PROPIO DEPARTAMENTO DE ESTADO DE LOS ESTADOS UNIDOS A TRAVÉS DE LA DELEGACIÓN ESTADOUNIDENSE PRESENTÓ ANTE EL CONSEJO GENERAL DE LAS NACIONES UNIDAS LA POSICIÓN DE QUE PUERTO RICO HABÍA SUPERADO SU CONDICIÓN COLONIAL Y HABÍA SIDO INVESTIDO DE LOS ATRIBUTOS DE GOBIERNO PROPIO CON SU SOBERANÍA COMO UNA ENTIDAD POLÍTICA AUTÓNOMA.

ESTE PACTO Y NUEVA RELACIÓN POLÍTICA HA SIDO RESPALDADA POR NUESTRO PUEBLO EN TRES (3) PLEBISCITOS, HABIENDO SIDO EL ÚLTIMO EN EL 1993 Y AHORA EL CONGRESO PRETENDE CON ESTE PROYECTO 866 HACERNOS RETROCEDER EN LA HISTORIA, ENTREGAR LOS DERECHOS COLECTIVOS ALCANZADOS POR NOSOTROS EN LIBRE ASOCIACIÓN CON LOS ESTADOS UNIDOS Y VOLVER AL COLONIAJE DE ANTES DE 1962 U OBLIGARNOS A OPTAR POR LA ESTADIDAD EN CONTRA DE NUESTRA VOLUNTAD. ESTO NO LO VA A PERMITIR PUERTO RICO.

ESTE PROYECTO APARTE DE SER INDIGNO Y DENIGRANTE PARA NUESTRO PUEBLO, ESTA SIENDO LEGISLATIVAMENTE PROCESADO, COMO SI LAS VISTAS PÚBLICAS FUESEN UN EJERCICIO INVESTIGATIVO RUTINARIO DEL CONGRESO Y NO UN PROYECTO DE LA SERIEDAD QUE AMERTA LA SITUACIÓN DEL STATUS DE PUERTO RICO.

EL SOLICITAR CIEN COPIAS DE LA PONENCIA CINCO DÍAS ANTES DE LA VISTA Y ADVERTIRLE A LOS TESTIGOS QUE PUEDEN SER PUESTOS BAJO JURAMENTO, TIENE EL EFECTO, SI NO LA INTENCIÓN DE AMEDRENTAR A LOS DEponentES O POR LO MENOS CREA UNA DISGUSTANTE OPINIÓN SOBRE LOS PROCESOS DE LA COMISIÓN Y SUS FINES.

SEÑORES CONGRESISTAS, A 47 AÑOS DE HABERSE CONSTITUIDO EL ESTADO LIBRE ASOCIADO, RATIFICADO EN TRES OCASIONES POR LOS PUERTORRIQUEÑOS, USTEDES VAN A TENER QUE ENTENDER QUE LA NACIÓN PUERTORRIQUEÑA NO QUIERE SER INCORPORADA COMO OTRO ESTADO DE LA UNIÓN. EXIGIMOS SE RESPETE EL PACTO ESTABLECIDO EN 1952 Y VAMOS EN CAMINO A SOLICITAR MÁS GOBIERNO PROPIO Y MÁS PODERES PARA EL ESTADO LIBRE ASOCIADO.

SI USTEDES ACEPTAN LA DEFINICIÓN PROPUESTA POR EL PRESIDENTE DEL PARTIDO POPULAR DEMOCRÁTICO, ACEPTAN LAS DEFINICIONES PROPUESTAS POR LAS OTRAS DOS FÓRMULAS TAN DIGNAS COMO LAS NUESTRAS Y SE COMPROMETEN A IMPLANTAR EN UN TÉRMINO RAZONABLE EL MANDATO DEL PUEBLO, ENTONCES, ESTAREMOS ANTE UN PROCESO JUSTO, EN EL CUAL PODEMOS PARTICIPAR SIN CEDER LOS DERECHOS, GARANTÍAS Y PRIVILEGIOS OBTENIDOS EN MÁS DE 100 AÑOS DE LUCHA POR NUESTRA AUTONOMÍA Y GOBIERNO PROPIO.

MUCHAS GRACIAS.

17 de abril de 1997

Mr. YOUNG. I thank you.
Carlos Lopez-Rivera.

**STATEMENT OF THE HONORABLE CARLOS A. LOPEZ-RIVERA,
PRESIDENT, MAYORS ASSOCIATION OF PUERTO RICO, DO-
RADO, PUERTO RICO**

Mr. LOPEZ-RIVERA. Muy buenos días, señores Congressistas. Mi nombre es Carlos A. López-Rivera, Alcalde de la ciudad de Dorado y Presidente de la Asociación de Alcaldes de Puerto Rico, que contiene el cincuenta por ciento de la población de nuestra patria. Todos defendemos el Estado Libre Asociado en la forma en que el Congreso lo definió en el informe y en la legislación que aprobó el 10 de octubre del 1990.

Este Proyecto Young es un proyecto engañoso. Llama a las cosas por nombres distintos a lo que son. A la colonia la llama Estado Libre Asociado. A la independencia la llama Libre Asociación. La trampa es clara. Quienes conocen bien a Puerto Rico saben que atesoramos nuestra identidad propia, porque somos una nación con su propia historia, su propio idioma y su propia cultura, de la cual es eje fundamental nuestro idioma Español.

De igual manera, atesoramos la ciudadanía de los Estados Unidos, que adquirimos en el 1917 y que hemos honrado y defendido con nuestras vidas. Si Puerto Rico atesora su propia identidad a la vez que atesora la ciudadanía Americana, tiene que votar por una fórmula de status donde dos pilares de las aspiraciones del sentimiento Puertorriqueños puedan lograrse en armonía. Este proyecto es un proyecto mezquino, pequeño. Le hace daño a los Estados Unidos y le hace daño a Puerto Rico. Yo no se de leyes, pero sí se que las Leyes 600 del 1950 y la Ley 447 del 1952 hablan de un pacto. Puede haber diferencias sobre la naturaleza de ese pacto, pero lo que no puede haber es una ceguera tal que se niegue que en esas leyes se dice lo que cualquier persona que sabe leer sabe que dicen. Venir ahora con el legalismo de que el Congreso de los Estados Unidos no tenía autoridad para hacer lo que hizo o tratar de hacer aparecer a los Estados Unidos como un país engañador, mentiroso ante los ojos del mundo, cuando le informó a las Naciones Unidas lo que le informó en el 1953, representa un servicio pobre a la democracia Americana.

En este momento, le planteo a ustedes lo siguiente. ¿Qué credibilidad nos merece lo que ustedes digan y hagan hoy? Señores Congressistas, no se puede jugar así con el destino de un pueblo, de una nación.

El Proyecto Young, un proyecto de imposición de la estadidad... Yo le digo a ustedes lo siguiente, el fuerte no puede abusar del débil, y aquí me refiero a la debilidad en el sentido de fuerza económica, de poderío militar, porque moralmente y en orgullo somos tan fuerte como el más.

La verdad es más fuerte que el engaño. La nación Americana es una historia gloriosa, de ese respeto al ser humano y a los derechos que la asisten. Este proyecto es una negación y representa un bochorno para los Estados Unidos. Si you fuese Congressista como lo son ustedes, me avergonzaria de auspicar un proyecto como este.

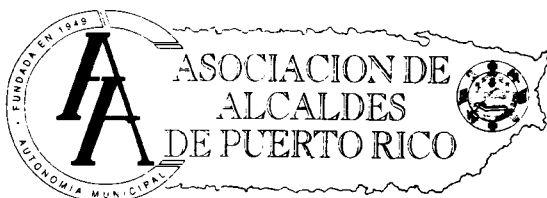
Les propongo lo siguiente, primero, descarten este proyecto ofensivo. Segundo, eliminen toda sospecha fundado de que los proponentes de la legislación están parcializados hacia una fórmula de estadidad. Tercero, expresen la realidad con una visión más respetuosa de la historia política y jurídica de nuestra patria, Puerto Rico. Cuarto, incorporen a los propulsores de las tres fórmulas políticas en la redacción de distintos borradores, de los cuales se produzca uno final que sea aceptable a todos. Quinto, sometan la legislación plebiscitaria al modelo de la Ley 600. Sexto, dispongan, que de no tener ningún fórmula más del cincuenta por ciento de los votos emitidos, se celebrará una nueva votación entre las fórmulas con el mayor número de votos. Sétimo, comprométanse en aceptar la decisión del pueblo en cuanto a la preferencia que este exprese por cualquiera de las fórmulas de status, legislando para que la decisión de Puerto Rico sea autoejecutable. Octavo, una vez se certifiquen los resultados del plebiscito, el pueblo queda autorizado a convocar una asamblea constituyente para establecer los procedimientos y adoptar las medidas necesarias para coordinar con los Estados Unidos la implantación de la fórmula de status triunfante en un período no mayor de tres años.

Señores Congresistas, es posible que no todos ustedes estén conscientes de la trampa que representa esta legislación. Yo los invito a examinar con detenimiento todo este proceso y toda esta propuesta. Puerto Rico no se merece este atropello. Esta legislación es un acto de tiranía. Puerto Rico se merece un trato justo, honrando la relación que por casi cien años hemos mantenido con los Estados Unidos, relación que Puerto Rico ha honrado hasta [sic] La... A ofrendar la vida de sus hijos.

Les dejo señores Congresistas, para que hablen con su conciencia, pero sobre todo, para que sus conciencias le hablen a su entendimiento. Puerto Rico, Borinquen, nuestra patria, se lo habrá de agradecer.

Muchas gracias.

[The prepared statement of Mr. Lopez-Rivera follows:]



JUNTA DE DIRECTORES

Hon. Carlos Lopez Rivera
Presidente

Hon. Luis E. Melendez Cano
1er Vicepresidente

Hon. Rafael Cordero Santiago
2do Vicepresidente

Hon. Francisco J. Rivera Toro
Secretario

Hon. Juan L. Cuevas Castro
Tesorero

Hon. José E. Aponte De La Torre
Hon. Jorge A. Ramos Comas
Hon. Pedro A. Padilla
Hon. Angel O. Berrios
AD Honorem

DIRECTORES DE DISTRITO

Hon. Sila M. Calderon Serra
Hon. Alfredo Serrano Rodriguez
Hon. Luis A. Oliver Canabal
Hon. José Guillermo Rodriguez
Hon. Miguel G. Ortiz Velez
Hon. Angel M. Sanchez Bermúdez
Hon. William Miranda Marin
Hon. Gerardo A. Cruz Maldonado

Lcdo. Angel M. Castillo
Director Ejecutivo

PONENCIA DEL
HON. CARLOS LOPEZ RIVERA
PRESIDENTE DE LA
ASOCIACION DE ALCALDES DE PUERTO RICO
ANTE EL COMITE DE
RECURSOS CONGRESIONAL
SOBRE
“UNITED STATES - PUERTO RICO
POLITICAL STATUS ACT, H.R. 856”

@ 21 DE ABRIL DE 1997
MAYAGUEZ, PUERTO RICO

Buenos días, señores Congresistas. Mi nombre es Carlos López Rivera. Soy Alcalde de Dorado y presido la Asociación de Alcaldes de Puerto Rico que agrupa 24 de los 78 municipios de Puerto Rico. Estos 24 municipios representan el 50 por ciento de la población del país, pues incluye ciudades tales como San Juan, Ponce, Mayaguez, Carolina, Guayama, Caguas. **Todos defendemos el Estado Libre Asociado en la forma en que el Congreso lo definió en el informe y en la legislación que aprobó el 10 de octubre de 1990 y que el presidente del Partido Popular le ha propuesto a ustedes que acepten- su propia definición- como la definición del Estado Libre Asociado.**

Este proyecto, conocido como Proyecto Young, es un proyecto engañoso. Llama a las cosas por nombres distintos a lo que son. A la colonia, la llama Estado Libre Asociado. A la independencia la llama libre asociación. la Trampa es clara. Quienes conocen bien a Puerto Rico saben que los puertorriqueños atesoramos nuestra identidad propia porque nos consideramos una nación con su propia historia, su propio idioma y su propia cultura, de la cual es eje fundamental nuestro idioma español. De igual manera atesoramos la ciudadanía de los Estados Unidos que adquirimos en 1917 y que hemos honrado y defendido con nuestras vidas.

Dije anteriormente que el Proyecto Young es un proyecto engañoso porque, repito, le pone nombres a la relaciones políticas entre Puerto Rico y Estados Unidos distintas a lo que en realidad son. Pero es engañoso además porque pretende someter al pueblo de Puerto Rico a un proceso de consulta sobre su preferencia en torno al status político cuando en verdad está diseñado para que el pueblo de Puerto Rico vote abrumadoramente por la estadidad. Me explico. Si Puerto Rico atesora su propia identidad a la vez que

Pagina #2

4-21-97

Ponencia Hon. Carlos López Rivera

atesora su ciudadanía americana, tiene que votar por una fórmula de status donde dos pilares de las aspiraciones y del sentimiento puertorriqueño puedan lograrse en armonía. En la idependencia podemos mantener nuestra identidad, pero perdemos la ciudadanía americana. En la estadidad podemos mantener nuestra ciudadanía americana , pero perdemos nuestra identidad. De modo que este proyecto de ley, lejos de permitirle a Puerto Rico optar por la fórmula de status preferida, lo que hace es forzarlo a decidir entre las dos opciones extremas que el pueblo no favorece; o usted retiene su propia identidad o retiene la ciudadanía americana, pero no puede tener las dos.

Este proyecto es un proyecto mezquino, pequeño. Le hace daño a los Estados Unidos y le hace daño a Puerto Rico. No refleja la generosidad del pueblo americano. Todo lo contrario, refleja lo más pequeño del pueblo americano. Es un proyecto que evidencia una actitud imperialista, una disposición del fuerte para abusar del más débil. Es antidemocrático. He leído declaraciones de algunos miembros de este comité o del personal de este comité tratando de llevar el mensaje de que hoy no hay un pacto entre Puerto Rico y los Estados Unidos. Yo no sé de leyes, pero sí sé que las Leyes 600 de 1950 y 447 de 1952 hablan de un pacto. Pueden haber diferencias sobre la naturaleza de este pacto. Pero lo que no puede haber es una ceguera tal que se niegue que en esas leyes se dice lo que cualquier persona que sabe leer y escribir sabe que dicen. Venir ahora con el legalismo de que el Congreso de los Estados Unidos no tenía autoridad para hacer lo que hizo, o tratar de hacer aparecer a los Estados Unidos como un país engañador, mentiroso

Página #3

4-21-97

Ponencia Hon. Carlos López Rivera

ante los ojos del mundo cuando le informó a las Naciones Unidas lo que le informó en el 1953 representa un servicio pobre a la democracia americana.

Les repito, este proyecto de ley no es un proyecto de autodeterminación para que el pueblo de Puerto Rico decida sobre su status político. Es un proyecto de imposición de la estadidad disfrazado a través de un proceso engañoso, pretendiendo dar la sensación de que Puerto Rico tiene varias opciones reales cuando la verdad es que lo que se pretende es forzar a Puerto Rico a formular una petición de estadidad.

Yo les digo a ustedes lo siguiente, el fuerte no debe abusar del débil. Aquí me refiero a debilidad en el sentido de fuerza económica, de poderío militar; porque moralmente y en orgullo nacional somos tan fuertes como el más. La verdad es más fuerte que el engaño. La justicia brilla por sobre la trampa. A los pueblos no se les acorrala por la sencilla razón de que uno tiene el poder. A los seres humanos se les respeta en sus derechos, en su diario vivir. La nación americana es una historia gloriosa de ese respeto al ser humano y a los derechos que le asisten. Este proyecto es una negación y representa un bochorno para los Estados Unidos. Si yo fuese congresista me avergonzaría de auspiciar un proyecto como este.

Les propongo lo siguiente:

Primero; Descarten este proyecto ofensivo.

Segundo; Comiencen de nuevo y eliminen toda sospecha fundada de que los promoventes de la legislación están parcializados hacia una fórmula, la estabilidad.

Tercero; Expresen la realidad de Puerto Rico con una visión más respetuosa de la historia política y jurídica de Puerto Rico.

Cuarto; Incorporen a los provomentes de las tres fórmulas políticas en la redacción de distintos borradores de los cuales se produzca uno final, que sea aceptable a todos.

Quinto; Sometan la legislación plebiscitaria al modelo de la Ley 600, de tal forma que el pueblo de Puerto Rico acepte de antemano la legislación para que ésta entre en vigor.

Sexto; Dispongan que de no obtener ninguna fórmula más del 50% de los votos emitidos, se celebrará una segunda votación entre las dos fórmulas con el mayor número de votos.

Séptimo; Comprométanse a aceptar la desición del pueblo de Puerto Rico en cuanto a la preferencia que éste exprese por cualquiera de las fórmulas de status, legislando para que la desición del pueblo sea auto-ejecutable.

Página #5

4-21-97

Ponencia Hon. Carlos López Rivera

Octavo; Incluyan en la legislación que el pueblo de Puerto Rico, una vez se certifiquen los resultados del plebiscito, queda autorizado a convocar una asamblea constituyente para establecer los procedimientos y adoptar las medidas necesarias para acordar con los Estados Unidos la implantación de la fórmula de status triunfante en un período no mayor de tres años.

En este momento les planteo a ustedes lo siguiente: Si ustedes ahora niegan lo que se hizo en 1950, en 1952 y en 1953 ante las Naciones Unidas; si ahora ustedes dicen que el voto que ustedes emitieron por la definición del E.L.A. en 1990 no los obliga, ¿qué credibilidad nos merece lo que ustedes digan y hagan hoy? Señores..., no se puede jugar así con el destino de un pueblo.

Señores congresistas, es posible que no todos ustedes estén concientes de la trampa que representa esta legislación. Yo los invito a examinar con detenimiento todo este proceso y toda esta propuesta. Puerto Rico no se merece este atropello. Esta legislación es un acto de tiranía. Puerto Rico se merece un trato justo, no discriminatorio, conforme a la etapa de desarrollo de este país y honrando la relación que por casi **cien años** hemos mantenido con los Estados Unidos; relación que Puerto Rico ha honrado hasta ofrendar la vida de sus hijos. Les dejo para que hablen con sus conciencias, pero sobre todo para que sus conciencias le hablen a su entendimiento. Muchas gracias.

Mr. YOUNG. Senator?

**STATEMENT OF JULIAN O. McCONNIE, JR., ATTORNEY AT LAW,
RIO PIEDRAS, PUERTO RICO**

Mr. McCONNIE. It is indeed an honor to be talking to the most important deliberative body in the world, and I know and expect that attention of such talented persons will lead to a solution in this matter.

According to instructions, the first thing you have to say is your status. My preferred status is statehood. I do not object to the approval of this bill as long as it offers all Puerto Ricans the opportunity to back their respective ideologies equitably and democratically.

As a lifelong Puerto Rican statehooder active since the early fifties as President of Citizens for State 51, which Carlos remembers well, I have learned to respect the ideals and sentiments of those who differ with my statehood ideal. After all, it is from their ranks that additional votes must be obtained to attain statehood. Therefore, I must strongly object to the unfair attitude against Commonwealth repeatedly expressed in the past and the present Young bill, perhaps conflicting with matters under the control, not of this Committee.

This clashes with everything that I have been taught during more than 40 years to the effect that a plebiscite process must be fair and not mixed with a normal elective process. The voters are the ones to decide the issues as to the preferred status, not the Young Committee. As testified on Saturday by nonpartisan witnesses, the choice, of course, must be within the pertinent constitutional and legal parameters.

I am glad to see that Congressman George Miller said Saturday that it must be a fair and open process. That is fine. We are in agreement. So this Committee has a great amount of work to do amending the Young bill in order to bring that about, and I am sure that you will do it. We offer our cooperation. I don't think this is going to be a short session nor is it going to be easy. It is hard.

What you have before you is very difficult. I know that. Nobody said being a Congressman was an easy job. You guys have to work like hell, and this is a very tough problem. We will help you in any way we can. We are helping you now with our limited statement here.

Unfortunately, Saturday's hearing confirmed this is anything but fair and open. The angry and offensive demonstrations were to be expected in view of the provocation of this bill. You cannot strip from the present legal status of Puerto Rico all pretense of legality without offending many Puerto Ricans.

To many it would seem that Public Law 600 and Public Law 447 of the U.S. Congress creating and confirming Commonwealth are still in effect until annulled by the courts or other proper authorities, which has not happened. The 2-year thing is not that easy. You can't just say if not, I will go to Congress and not listen to any law that is passed more than 2 years and disobey it. This is much more complicated than that.

In this case, that is not enough of an explanation. Maybe there are explanations, and this bill, this Committee will bring them

about. They have not said so now. You don't even say whether your bill is valid because Public Law 600 and Public Law 447 were approved by a different Congress.

It is no small wonder that the Chairman had difficulty controlling the noisy behavior of commonwealthers and statehooders. When you provoke a hornet's nest, you are not going to get flowers and kisses in return. But Chairman Young, to his credit, handled the matter with restraint and great patience. Thank you, Congressman Young.

Saturday's hearings confirmed that the sooner the unfair, improper and unnecessary hostile attacks on Commonwealth are amended away and all differences of opinion are presented in a fair and impartial manner, as all the previous status bills were able to do, I appeared before all five of them, in writing or in person, and all of them were able to define the issues and go ahead, the sooner the level playing field that such a serious matter demands will be created.

It should also be remembered that any victory in a flawed and unfair plebiscite could indeed be hollow and last only until its first encounter in court. The ones that don't win here could be in court the next day, unless this Committee sticks to what they have to stick to, setting up the rules, but don't try to decide the issues. Because you have not the authority. That is what the plebiscite is for. We should also note the fact that commonwealthers have not completely eliminated the possibility of their not participating in what they will consider an unfair plebiscite. They said we are listening to you, but are not saying we are going ahead with the whole thing. In all the past bills and hearings, Commonwealth has participated. So from any objective point of view, this could constitute a very serious problem.

Because statehood is the Crown Jewel, the Holy Grail, the Super Bowl of American democracy, it must be earned, and earned in fair combat. I have held for a long time that the only way to deserve statehood is by decisively, overwhelmingly defeating Commonwealth, like Alaska and Hawaii defeated their opposition to statehood. We Puerto Ricans have not done that. We have not earned that.

Mr. ROMERO-BARCELÓ. Do you have much longer to go?

Mr. MCCONNIE. No, I don't have much longer to go. Just one paragraph, and then it is over. I have another statement. This is shorter.

This will take much more than a mere partisan effort as shown by the defeat in the 1993 status plebiscite, despite controlling all the marbles. I know it is very hard, but somehow you, the Committee, has to distinguish between nonpartisan ideology and partisanship. This is not a fight between the parties. This is between statehood, Commonwealth and independence, and you guys have to fight this out, not me. I merely talk here, and you can forget me. But eventually that is one thing you will have to decide.

What I am telling you is really ideological and not partisan. So I tell people instead of attacking the loyalty of commonwealthers to the U.S., it simply must not be continued, because it is not the actual truth and harms statehood.

I served 30 years in the Army. We did not have any cases of disloyalty of American soldiers from Puerto Rico for partisan or ideological beliefs. There is no Puerto Rican Army. As a Civilian Aide, I served the Army from 1970 to 1984, and have been Civilian Aide Emeritus since 1985 to date. The said experience has been continued. There has never been any disloyalty of any Puerto Rican soldier in the Army with their uniform on.

I believe and trust that the 200 years of *Ballots and not Bullets* of both the U.S. and Puerto Rico will make Puerto Rico the 51st State, especially if we Puerto Rican stateholders show the proper respect and admiration for commonwealthers and for all Puerto Ricans and for those who have chosen to be here and stay with us.

No one ever said being a U.S. Congressman is an easy job. It isn't. That is all, thank you.

[The prepared statement of Mr. McConnie follows:]

OUTLINE OF JULIAN O. McCONNIE, JR. STATEMENT TO THE
YOUNG BILL ON THE STATUS OF PUERTO RICO

- I- During this post-industrial, globalized, competitive, internationalistic and democratic era, the proponents of the Young bill, the rest of the Federal Government and the People of Puerto Rico, face a momentous opportunity and an almost overwhelming responsibility in steering the political, economic and social U.S.-P.R. relationship towards a long-term solution acceptable to the fellow U.S. citizens on both sides of the Atlantic.
- II- This lifetime statehooder, a past-president of Citizens for State 51 since the early 50's and participant in the 1967 plebiscite in such a capacity, and also an original founder of the of the New Progressive Party and a member of its First Presidential Table, hopes and prays that the necessary amendments to the Young bill will favorably culminate 100 years of mutual respect, understanding and affection, and 200 years of Ballots and not Bullets democratic governments in both the U.S. and P.R.
- III- The FAIR PLAY and FREE DETERMINATION principles of Jefferson and Lincoln, that are the framework and glue of America's democratic government and of Puerto Rico's 19th century quest for autonomy that culminated in the Autonomic Charter or Constitution granted by Spain in 1897, which preserved the right of Puerto Rico to elect senators and deputies to the "Cortes de Cádiz", Spain's Congress, and also authorized Luis Muñoz Rivera to become the first Spanish Colonial to head the government of a Spanish possession. Years later, Muñoz Rivera, as Puerto Rico's Resident Commissioner in Congress was to be instrumental in the granting of U.S. citizenship to Puerto Rico. His son Luis Muñoz Marín, Puerto Rico's first elected Governor, was one of the few statesmen in the 20th century who lead his people in a successful and peaceful political, economic and social revolution. Again, BALLOTS and not BULLETS.
- IV- The writer participated and voted three times in the U.S.-P.R. mutual legal and referendum process during 1950-52, that created the Free and Associated State (ELA), which both the U.S. and P.R. governments assured me, and since 1953 assured the United Nations, marked the end of P.R. colonialism. The denial of this outstanding advance in self-government and autonomy by the Young bill could create an immense problem for the U.S., for the United Nations, for Hispanic America, and for U.S. allies world-wide. American credibility could be adversely affected, under whatever excuse; an economic excuse could be horrible for U.S.-Hispanic American relationships. The contention that what Congress and the Federal Government enacted in 1950-52 is now a "colony", despite ELA winning the 1967 and 1993 plebiscite could be unbelievable. The contention, in the midst of a partisan war in Congress over the balancing of Federal budget, that the small print, the wishing list of the Commonwealth ballot during the 1993 plebiscite invalidates the ELA victory, could seem to be against the holdings of the highest courts in the U.S. and P.R. to the effect that the small print is invalid because the "meeting of the minds" requirement has not been complied with. As a practical matter it would be very difficult to prove that the voters backed "Commonwealth" wrongful translation- because of said small print.

Young bill, March 12, 1997
 Julian O. McConnie, Jr.

-2-

The U.S. could be accused of materialism, of improperly placing materialistic considerations ahead of humane relationships with fellow U.S. citizens, of placing the mighty dollar ahead of all the democratic principles for which Jefferson, Lincoln, and Dr. Martin Luther King, Jr. stood for. This at a time when the U.S. has finally begun to improve its relationship with Hispanic America.

- V- Especially where it could seem quite obvious that the mismanagement of the immense resources that Almighty God has seem fit to bestow on the U.S., could only have been done by the U.S. Government-Congress and the Federal Executive branch. It certainly was not done by ELA. The mentioned national debt of over five trillion dollars has no comparison to the alleged "cost" to the U.S. Treasury of its relationship to ELA, an "imperfect" Free and Associated State. But from this to a "colony" there would seem to be a world of difference. Suppose ELA, as-it-is, admittedly under the U.S. Territorial clause, no direct vote for the President and Vice-President, etc.-were to appear in a Plebiscite ballot and wins, would it still be a "colony"? Of course not.
- VI- Therefore, Honorable and learned Congressmen, please keep in mind the common-sense maxim that "IF IT AIN'T BROKEN, DON'T FIX IT". If you are not able or willing to provide something better please be very careful on applying drastic changes such as a confusing and unfair fourth option which could force ELA to reject the plebiscite.
- VII- This life-long statehooder and fellow American citizen from Puerto Rico would earnestly recommend that the Young bill be so amended that it makes absolutely clear that it is not discarding ELA because it is "colonial" and also discarding statehood because it is too expensive to the U.S. Treasury, therefore leaving only independence as a viable alternative. As all of you distinguished Congressmen know, independence has been rejected by more than 95% of our voters in all recent elections. Therefore, even if independence would appear to be at first glance the cheapest solution, this writer prefers to believe that the democratic principles of "Life, liberty and the pursuit of happiness" that sustain both the U.S. and P.R. are so valuable that they cannot be measured by economic standards, especially if Puerto Ricans are to lose their U.S. citizenship now or later. Puerto Ricans remember only too well the unstable governments that have plagued the independent countries of the Caribbean and Hispanic America for centuries.
- VIII- This writer believes that statehood is the CROWN JEWEL of the American Dream. As such, it must be earned. And earned in fair combat. "Vamos a pelear limpio". I do not want and will not accept unfair advantages, and if such is the offering of the Young bill I will not grace it with my presence. I have up to now, and will continue to defend the right of ELA to properly and equally express itself. I have held for a long time that the only way to deserve statehood is to earn it, by overwhelmingly defeating ELA, like Alaska and Hawaii overwhelmingly defeated all their opposition to statehood. We Puerto Rican statehooders have not done this so far. The object of a plebiscite is to find out what the voters want. If what Puerto Rico wants is ELA as-it-is now, then that is what it should have, and it would not be a "colony", merely the will of the people.

Young bill, March 12, 1997
 Julian O. McConnie, Jr.

-3-

- IX- It would seem that a new, fourth option has no realistic probability of defeating ELA or Statehood in a 1998 Plebiscite.
- X- By the beginning of the 19th century (1811) Ramón Power y Giralt had become a Vice-President of the "Cortes de Cádiz", the Congress of Spain. Eugenio Maria de Hostos had become an internationally renowned scholar and educator, and numerous outstandingly democratic statesmen had spoken favorably of the lumbering, emerging North American Colossus which had almost accidentally, stumbled upon a cultural treasure without realizing it. Judging by the Young bill, it still does not. Dignity and honor are above and beyond any an all economic factors. The U.S. has lead the world in recognizing this. That is why it is the wealthiest and most powerful country and the last and best hope for the down-trodden and unfortunate of the world. It must and will come through again on the status of Puerto Rico. The Good Lord, always Compassionate, will again produce another F.D.R. to balance the Federal budget so that the Young bill need not continue to use Puerto Rico as its scapegoat.
- XI- Finally, allow me to paraphrase Winston Churchill and say to the Hon. Congressmen and to the rest of the Federal government and to all potential Puerto Rican voters, ...let us so comport ourselves, that if the U.S. citizenship of Puerto Ricans were to last 1,000 years, history would say: "This was their finest hour". *

Thank you,


 Julian O. McConnie, Jr., Esq.

*Participants should be reminded that the NPP, PDP, and PIP do not appear on the ballot; that it is statehood, ELA, and Independence that are the issue here.

ADDENDUM TO STATEMENT OF JULIAN O. MC CONNIE, JR.
YOUNG BILL, MAYAGUEZ, P.R. - APRIL 21, 1997


I. In as much as the loyalty of the commonwealthers to their U.S. citizenship was questioned during the Young Bill's first hearing in Washington, D.C., I feel dutybound to inform this committee that during my nearly 30 years of Army service, and during my many years as Civilian Aid to the Secretary of the Army for Puerto Rico and continued to this date as Civilian Aid Emeritus, I have never seen or heard of a single act of disloyalty from American soldiers from Puerto Rico, regardless of their partisan or ideological beliefs. If I believed that 48% of Puerto Ricans were disloyal American citizens, then I would have to cease being a Statehood, as Statehood can only be requested and granted if it represents the will of the people in P.R. and in the U.S. Which I believe it does, if properly addressed.

II. As a life-long Statehooder I prefer to believe that if we Statehooders and the Congress and the Federal Government address Commonwealth (an ~~imperfect~~ Free and Associated State) with the respect and understanding that it has earned during its 44 years of outstanding service to the U.S. and Puerto Rico, it should necessarily lead to Statehood. If the Young Bill were to now try to completely disregard the "Compact" mentioned in P.L. 447 approving the Constitution of the Commonwealth of Puerto Rico, and by the U.S. Government before the U.N. in 1953, it would seem unfair. Until the U.S. Supreme Court decides, The Young Bill should act only if it does so with absolute fairness to all the proposed solutions. If not, perhaps you should consider delaying any action until the field has been leveled.

III. Please, be reminded that the only two countries in North, South, Central America and the Caribbean that have qualified for BALLOTS and not BULLETS during the last 200 years are the U.S. and Puerto Rico. This should help lead to Statehood.

IV. Best reasoned Federal Case is CORDOVA & SIMONPIETRI VS. CHASE MANHATTAN BANK 649 F. 2d, 36 (1981), which was not superseded by Harris vs. Rosario (1984).

Thank you,


Julian O. McConnie, Jr., Esq.

STATEMENT OF JULIAN O. McCONNIE, JR.
YOUNG BILL, MAYAGUEZ, P.R. - April 21, 1997

My preferred status is STATEHOOD.

I do not object to the approval of this bill as long as it offers all Puerto Ricans the opportunity to back their respective ideologies equitably and democratically.

As a lifelong Puerto Rican statehooder, active since the early 50s as President of Citizens for Statehood I have learned to respect the ideals and sentiments of those who differ with my statehood ideal. After all it is from their rank that additional votes must be obtained to obtain statehood. Therefore I must strongly object to the unfair and hostile attitude against Commonwealth repeatedly expressed in the past and present Young Bills.

This clashes with everything that I have been taught during more than 40 years, to the effect that a plebiscite process must be fair and not mix with the normal elective process. The voters are the ones who decide the issue as to their preferred status solution. Not the Young Committee (the Committee on

at MCC

Resumes) As testified on Saturday by non-partisan witnesses. The choice, of course, must be within the pertinent Constitutional and legal parameters.

I'm glad to see that Congressman George Miller said Saturday that it must be a "fair and open" process. That's fine, we are in agreement. So this Committee has a devilish amount of work to do amending the Young Bill, to that effect.

Unfortunately Saturday's hearings confirmed that is anything but a "Fair and Open". The angry and offended ~~rea~~ demonstrations by Commonwealth backers was to be expected in view of the hostile provocation of the bill. This speaker, a Puerto Rican Statehooder, was also offended. You cannot strip from the present legal status of Puerto Rico all pretense of honorability and legality without offending practically all Puerto Ricans. To many of us it would seem that P.L. 600 and P.L. 447 of the US Congress, creating and confirming Commonwealth, are still in effect until annulled by the Courts, or other proper authority. Which has not happened.

Small wonder that the Chairman had difficulty controlling the noisy behavior of Commonwealth and Statehooders. When you provoke a hornets nest you are not going to get flowers and kisses in return. But Chairman Young, to his credit,

(3) McC

handled the matter with restraint and great patience. Thank-you Congressman Young.

So Saturday's hearings confirmed that the sooner the unfair, improper and unnecessary hostile attacks on Commonwealth are amended away and all differences of opinion are presented in a fair and impartial manner - as all the previous State bills and hearings were able to do - the sooner the level playing field that such a serious matter demands will be created.

It should also be remembered that any victory in a flawed and unfair plebiscite could indeed be hollow and last only until its first court encounter. We should also not overlook the fact that Commonwealths have not completely eliminated the possibility of their not participating in what they would consider an unfair plebiscite. In all the past bills and hearings Commonwealth has participated, so from any objective point of view this could constitute a very serious problem.

Because Statehood is the CROWN JEWEL, the HOLY GRAIL, the SUPER BOWL of American Democracy it must be earned. And earned in fair combat. I have held for a long time that the only way to deserve Statehood is by decisively, overwhelmingly defeating Commonwealth, like Alaska and Hawaii defeated their opposition to Statehood. But we, Puerto

(U) McE

Many Statehooders have not done this. They will take much more than a mere partisan effort, as shown by our defeat in the 1993 Status Plebiscite, despite controlling all the marbles.

Such attitude as that of attacking the loyalty of commonwealthers to their U.S. citizenship simply must be discontinued immediately. Because it is not true and thus harms Statehood immensely. I served 30 years in the ARMY and we did not have any cases of disloyalty of American soldiers from Puerto Rico - there is no Puerto Rican Army - of any partisan or ideological belief. As Civilian Aide to the Secretary of the Army from 1970 to 1984 and Civilian Aide Emeritus since 1985 to date, said experience has been confirmed. The partisan contention that only Statehooders are loyal U.S. citizens is just another horrible example of why Statehood lost the 1993 plebiscite.

As explained in my previous statement I believe and trust that the 200 years of BALLOTS and not BULLETS of both the U.S. and P.R. will make P.R. the 51st State. Specifically if we Puerto Rican Statehooders show the proper respect and admiration for our Commonwealth and Independence opponents. And for all Puerto Ricans and for those who have chosen to be here and stay with us.

WJ McC.

Nobody ever said that being a U.S. Congress-
man was easy job. It is hell, its tough as
hell. I also suspect that the present
Turp War in Washington due to the unbal-
anced Federal Budget and the National
deficit must take a lot of your time
and effort. So Thank-you Congressmen
Thank you very much for helping Puerto Rico
May Almighty God in his infinite wisdom
bless you and all of those who participated
in these hearings

Julian D. McConville Jr

Mr. ROMERO-BARCELÓ. [Presiding.] Thank you. Mr. Joaquin Márquez?

**STATEMENT OF JOAQUÍN A. MÁRQUEZ, ESQUIRE,
SPRINGFIELD, COMMONWEALTH OF VIRGINIA**

Mr. MÁRQUEZ. Chairman Young, Mr. Miller, Mr. Underwood, Mr. Romero, my name is Joaquín Márquez, and I appear before you as a private citizen. I have been a resident of the Old Dominion, the proud State of Virginia, for the last 29 years. In the seminal book, *a Nation of Immigrants*, Daniel Patrick Moynihan richly describes the successive waves of immigrants that form the fabric of our Nation, as well as their legacy.

I am a part of that legacy and a part of that immigrant wave that has helped build our Nation, the great wave of Puerto Rican immigrants that is still struggling to earn its rightful place in the American melting pot.

Although my generation did not land at Ellis Island, it landed at Idlewild and Newark in search of the same thing, a better future. My generation's contribution to the general commonwealth is no less valuable than the contributions of earlier waves of immigrants that washed upon our shores.

Because of time constraints, I would like to address only two very sensitive issues relating to the proposed legislation: who should be allowed to vote in the referendum; and, the requirement that English be used as the official lingua franca for the Federal Government in Puerto Rico.

The issue of who may vote may be disposed of very easily. However much I love my Borinquen, and I come from Humacao, I cannot in good conscience vote in the proposed referendum because I am no longer a resident of the island. Only those persons who will personally have to bear the direct consequences of the results of the proposed referendum should have the right to vote. Only those who have a direct stake in the outcome, regardless of where they were born, should be the determinants of Puerto Rico's future status.

Let those nonresidents who demand the right to vote by proclaiming their love for Puerto Rico prove their love by returning to our island and contributing their sweat, toil and talent to the building of a better community.

Let me quickly turn to the issue of language. Puerto Ricans have been enslaved by a political system under Commonwealth status that has used language to intentionally create an economic, social, and political ghetto. By failing to teach English, Commonwealth politicians have erected an insurmountable barrier to opportunity and progress for Puerto Ricans. The result has been that at least three generations of Puerto Ricans have been condemned to economic slavery and dependence on the island, and particularly, on the mainland.

It is interesting to note that the leading supporters of Commonwealth all speak excellent English, and even though they chose to not speak English here, they have attended Ivy League and other prestigious mainland schools and universities. It is cruel for Commonwealth leaders to impose the crushing burden of English language illiteracy on the people of Puerto Rico, while forcing many

to migrate to drug-infested mainland ghettos in search of meaningful employment.

When Commonwealth leaders say that most Puerto Ricans cannot read and write the English language well, they are indicting themselves. Puerto Ricans have not learned more English simply because Commonwealth leaders have deprived them of the opportunity to learn the language.

Before Commonwealth was established, English was taught in all the public schools by teachers properly schooled in the language, many of whom were retired teachers from the mainland. The Commonwealth leadership, then headed by former Governor Munoz Marin, recognized that a fully bilingual Puerto Rico would have the option of seeking statehood or easily transferring to the mainland.

In order to preclude statehood and to prevent a brain drain, they elected to discontinue the teaching of English coequally with Spanish. Under the guise of preserving our cultural identity, they thus created an artificial barrier, in the hope that Puerto Ricans would not seek the full measure of their American citizenship.

In spite of this barrier, over 1 million Puerto Ricans fled the Commonwealth to fetid mainland ghettos in search of a better future. The people of Puerto Rico have come to see the perfidy of this situation and have increasingly turned to statehood as the fulfillment of their hopes and aspirations in their inalienable right to pursue happiness and economic progress. It is high time that this ugly secret be exposed and corrected.

If English has not supplanted Spanish after nearly a century of American domination, I submit it will not do so when Puerto Rico attains its full rights as a State of the Union. Puerto Ricans must master the language of Cervantes as well as the language of Shakespeare in order to realize the full potential of their God-given talents.

I disdain those who denigrate the abilities and talents of my fellow islanders. Puerto Rican doctors, lawyers, carpenters, mechanics, barbers, whether professionals or laborers, are no less capable than their counterparts on the mainland. They may just be unable to realize their full worth simply because of a language handicap. Puerto Ricans need to be apprised of the terrible price they are paying as a result of a failed ethnocentric policy imposed by Commonwealth leaders in order to keep them in a linguistic reservation.

Almost 38 years ago, I appeared in support of statehood in Puerto Rico before a subcommittee of this Committee's predecessor, the House Interior and Insular Affairs Committee, which was then chaired by Mr. Wayne Aspinall. I was a 17-year-old student then. At that time statehood was supported by a small minority of the electorate. What gave me great hope that in time, in spite of the long odds, my fellow Puerto Ricans would come to appreciate the many blessings of statehood was the shining example of your own State's struggle, Mr. Chairman, to add Alaska's bright star to the constellation of American stars in our flag.

Ernest Gruening's life-long fight to attain full equality under the Constitution for all Alaskans had finally borne fruit. His successful struggle kindled a passionate fire for equality in me and many of my generation.

I have always struggled in defense of the proposition that all Americans cannot be equal as long as one citizen is unequal. The world has turned many times since that day, but the fire has only grown stronger in me. Let this be the Congress that brings about full equality for Puerto Rico, ending the stench of a century of colonialism that stains both the soul of my people and the conscience of our Nation. Let this be the Congress that fulfills the implied promise of full equality through statehood made to Puerto Ricans when citizenship was granted in 1917.

Let this be the Congress that burnishes our Nation's honor by proving to a doubting world that the price of admission to the blessings of full equality under statehood is not measured by the amount of tax dollars paid, but by the recognition of our continuing love and commitment to the American ideals of freedom and democracy embodied in our national Constitution.

[The prepared statement of Mr. Márquez follows:]

Testimony of
Joaquín A. Márquez, Esq.
Before the
Committee on Resources
U.S. House of Representatives
Regarding H.R. 856
"The United States-Puerto Rico Political Status Act"
April 21, 1997, Mayagüez, Puerto Rico

Chairman Young, Ranking Democrat Mr. Miller and other distinguished members of the Resources Committee, my name is Joaquín A. Márquez, and I appear before you as a private citizen. Born in the friendly city of Humacao, Puerto Rico, I have been a resident of the Old Dominion, the proud Commonwealth of Virginia, for the past 29 years.

In his seminal book "A Nation of Immigrants", Daniel Patrick Moynihan richly describes the successive waves of immigrants that form the fabric of our Nation as well as their legacy. I am part of one of those immigrant waves that has helped build our Nation - the great wave of Puerto Rican immigrants that is still struggling to earn its rightful place in the great American melting pot. Although my generation did not land at Ellis Island after a perilous voyage aboard a cramped ship, it landed at Idlewild and Newark aboard crowded airliners in search of the same end - a better future. My generation's contributions to the general commonwealth is no less valuable than the contributions of earlier waves of immigrants that washed upon our shores.

Because of time constraints, I would like to address only two very sensitive issues relating to the proposed legislation: who should be allowed to vote in the referendum; and, the requirement that English be used as the official lingua franca of the Federal Government in Puerto Rico.

The issue of who may vote may be disposed of very easily. I am a Puerto Rican; I travel regularly to the island; my wife and I were married there; my first son was the fifth generation to be born in Puerto Rico; I have a home there; I hope some day to resettle on the land where I was born. However much I love my Borinquen, I cannot in good conscience vote in the proposed referendum because I am no longer a resident of the island. Only those persons who will personally have to bear the direct consequences of the results of the proposed referendum should have the right to vote. Only those who have a direct stake in the outcome, regardless of where they were born, should be the sole determinants of Puerto Rico's future status. Persons like me, who for whatever reason have elected to make their homes elsewhere, are precluded from deciding the future of those who reside on the island. Being allowed to cast an absentee ballot would be an easy way for nonresidents like me to attempt to impose our views on the

island's residents without any direct consequence to us. However, I submit that the only fair way I may participate in the proposed referendum is for me to experience the consequences of my vote. Let those nonresidents who demand the right to vote by proclaiming their love for Puerto Rico, prove their love by returning to our island and contributing their sweat, toil and talent in building a better community.

Let me quickly turn to the issue of language.

Puerto Ricans have been enslaved by a political system under Commonwealth status that has used language to intentionally create an economic, social and political ghetto. By failing to teach English, Commonwealth theoreticians have intentionally erected an insurmountable, artificial barrier to opportunity and progress for Puerto Ricans. The result has been that at least three generations of Puerto Ricans have been condemned to economic slavery and dependence on the island and particularly, on the mainland. It is interesting to note that the leading supporters of Commonwealth, even though they may choose to speak only Spanish during these proceedings, all speak excellent English, having attended Ivy League or other prestigious mainland schools and universities. It is cruel for Commonwealth leaders to impose the crushing burden of English-language illiteracy on the people of Puerto Rico while forcing many to migrate to drug-infested mainland ghettos in search of meaningful employment.

When Commonwealth leaders say that most Puerto Ricans cannot read or write the English language well, they are indicting themselves. Puerto Ricans have not learned more English simply because Commonwealth leaders have deprived them of the opportunity to learn the language. Before Commonwealth was established, English was taught in all of the public schools by teachers properly schooled in the language, many of whom were retired teachers from the mainland. The Commonwealth leadership, then headed by former Governor Muñoz Marín, recognized that a fully bilingual Puerto Rican population would have the option of seeking Statehood or easily transferring to the mainland. In order to stop Statehood and to prevent a brain drain, they elected to discontinue the teaching of English co-equally with Spanish. Under the guise of preserving our "cultural identity", they thus created an artificial barrier in the hope that Puerto Ricans would not seek the full measure of their American citizenship. In spite of this barrier, over one million Puerto Ricans fled the Commonwealth to fetid mainland ghettos in search of a better future. The people of Puerto Rico have come to see the perfidy of this situation and have increasingly turned to Statehood as the fulfillment of their hopes and aspirations and their inalienable right to pursue happiness and economic progress. It is high time that this ugly secret be exposed and corrected.

As I stated earlier, I have lived in the Old Dominion for

nearly 29 years. And yet, we speak Spanish at home; my children are bilingual and bicultural. We all can learn English without ignoring our Spanish. I have heard it said that Puerto Ricans can pray in Spanish, make love in Spanish, write beautiful poetry in Spanish, and yet, conduct business in English. If English has not supplanted Spanish after nearly a century of American domination under an inferior colonial status, I submit it will not do so when Puerto Ricans attain their full rights as a State of the Union. Puerto Ricans must master the language of Cervantes and that of Shakespeare in order to fully realize the full potential of their God-given talents.

As we approach a Third Millennium in a world that has witnessed a man walk on the moon, the tearing down of the Berlin Wall, the conquest of many diseases that used to impart fear throughout the Earth, the establishment of a truly global village through the wonderful technology of modern communications, we see how English has become the medium of exchange between disparate communities. These communities have not subsumed their culture, values or personality by communicating in English, they have merely enhanced the value of what they have to offer in the world marketplace of commerce and ideas. Puerto Ricans cannot and must not remain behind a self-imposed artificial linguistic barrier; a linguistic ghetto, if you will, with all of its attendant adverse social and economic consequences.

I disdain those who denigrate the abilities and talents of my fellow islanders. Puerto Rican doctors, lawyers, carpenters, mechanics, barbers, whether professionals or laborers, are no less capable than their counterparts on the mainland. They may just be unable to realize their full worth simply because of a linguistic handicap. The language issue introduced by your bill, even if unfortunately for Puerto Rico the bill is not enacted, will shine a bright light on this harmful shortcoming of Commonwealth. Puerto Ricans need to be appraised of the terrible price they are paying as a result of a failed ethnocentrist policy by Commonwealth leaders to keep them in a linguistic reservation.

Those who condemn a new generation of Puerto Ricans to this economic enslavement must answer to history for their crime. I came to the mainland as an immigrant. Fortunately, I learned English at an early age. As an immigrant, I have been forced to compete most of my adult life against persons of different ethnic, cultural, and educational backgrounds. I have turned my bilingual and bi-cultural background from a liability to a valuable asset. I have attained positions of responsibility in both the public and private sectors. For the past 16 years, I have been a senior partner in one of our nation's oldest law firms. If a kid from Humacao like me can do it, anyone else can also do it. I have learned that the only roadblocks to progress are the ones we ourselves erect. The great American Dream is there for anyone who wants it, but first you must learn to communicate in the language

of commerce - English. Let us never abandon our roots and our wonderful Hispanic culture, but let us never fear to venture forth upon fields of discovery made possible by learning other languages.

Almost 38 years ago I appeared in support of Statehood for Puerto Rico before a subcommittee of this Committee's predecessor, the House Interior and Insular Affairs Committee which was then chaired by Representative Wayne Aspinall. I was a seventeen year-old student then. At that time Statehood was supported by only a small minority of the electorate. What gave me great hope that in time, in spite of the long odds, my fellow Puerto Ricans would come to appreciate the many blessings of Statehood, Mr. Chairman, was the shining example of your own State's long struggle to add Alaska's bright star to our Flag's constellation. Ernest Gruening's lifelong fight to attain full equality under the Constitution for all Alaskans had finally borne fruit. His successful struggle kindled a passionate fire for equality in me and many of my generation. I have always endeavored to defend the proposition that all American citizens cannot be equal as long as one citizen remains unequal. The world has turned many times since that day, but the fire has only grown stronger in me.

Let this be the Congress that brings about full equality for Puerto Rico ending the stench of a century of American colonialism that stains both the souls of my people and the conscience of our Nation. Let this be the Congress that fulfills the implied promise of full equality through Statehood when citizenship was granted to Puerto Ricans in 1917. Let this be the Congress that burnishes our Nation's honor by proving to a doubting world that the price of admission to the blessings of full equality under Statehood is not measured by the amount of tax dollars paid but by the recognition of our continuing love of and commitment to the American ideals of freedom and democracy embodied in our national Constitution.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Márquez.

I would like to make a couple of statements before we go into the questions. One of them is regarding what has been said about whether the United States lied or not at the United Nations. I want to say that my belief and my understanding, because of what was said, is that the United States lied, but they didn't lie by themselves. The Government of Puerto Rico was part of the conspiracy of that lie. The Government of Puerto Rico supported that lie, and the administration then in effect in Puerto Rico actually proposed they go to the United Nations and relieve the United States from having to submit the reports to the United Nations, because what they said to the United Nations was that in Puerto Rico, a full measure of self-government had been achieved. And now I am in Congress, and I don't have a right to vote on the Floor, and I see there every day laws being passed that affect Puerto Rico, that obligate Puerto Rico, Puerto Rico has to abide by them.

So, therefore, there is no full measure of self-government. Whoever says that there is a full measure of self-government here in Puerto Rico, we are not telling the truth. Whoever said it before, didn't tell the truth. It wasn't only the U.S., it was also the administration in Puerto Rico at that time.

The other thing I would like to say for a historical perspective is the statements that something is unfair as far as the Commonwealth is concerned. I think we should be concerned with the fairness to the people, not fairness as a status, but to the people. The people of Puerto Rico, when they are presented with a decision, that the decisions are fair to them, that they are decisions which are realistic. That is what we should be concerned about.

If one of the options contains elements that are not realistic, either constitutionally, legally, or politically, we should take care that they are not included, and that is why we should be concerned. We should be fair to the people of Puerto Rico, not to statehood and not independence and not to Commonwealth.

And to say that the reason is because the Commonwealth Party has said that they might boycott this plebiscite, that is nothing new. The reason that the Commonwealth party had participated in the prior plebiscites is because they were the ones that formulated those plebiscites.

When Commonwealth was adopted, the second party in Puerto Rico was the Independence Party, and they boycotted the whole process. They boycotted the process for two reasons: They didn't like the process, and they also knew they were going to lose; so why go through the process? That is one of the reasons they boycotted the process.

Then came the plebiscite in 1967. In 1967 there was a plebiscite that gave the three options, and the two parties that represented those options at that time, they both boycotted the plebiscite. Both parties boycotted, the Republican Party and the Independence Party, and only groups organized by themselves went to represent their options.

So every time we have had a plebiscite, the opposing parties have the tendency to boycott it, because they realize they are going to lose, and that is the only reason there will be a boycott to a plebiscite.

Of course we learned a lesson in the 1967 plebiscite, and that is, by boycotting the plebiscite, the Republican Party disappeared and a new party sprung up, so that is something the Popular Party will have to look at.

But I want to bring this into perspective, because the first to boycott is not only that the people might be dissatisfied with what is said, but also because they feel they are going to lose. If they felt they were going to win the plebiscite, I am sure they would participate.

Now I would like to ask some questions about the—to Ferdinand Lugo Gonzalez.

When I hear your statement, I wonder, ask myself, why, if you feel that way about the United States, do you want to be a U.S. citizen?

Mr. GONZALEZ. Señor Comisionado Residente, voy a mencionarle unos asuntos personales. Mi señor Padre, fue veterano de la Segunda Guerra Mundial, mi hermano mayor veterano, mi segundo hermano veterano, y este servidor tiene diecisiete años de servicios con la Fuerza Armada de los Estados Unidos. O sea, yo no tengo que estarle probando a nadie si yo aprecio la ciudadanía Americana. No tengo que estar probándoselo a nadie. Eso es eh... Se concedió y no se debe estar discutiendo Lo que a mí sí me preocupa es lo siguiente, por eso yo planteo en mi ponencia, que respetemos el pacto. Con mi acción personal, la de mi padre, la de mi hermano, la de mis familiares, nosotros cumplimos con nuestra parte del pacto y ahora resulta que en el proceso, fuimos engañados. Ahora resulta, que del 1952 para acá, no hubo pacto. Ahora resulta que el sacrificio de los Puertorriqueños se hizo como parte del producto de un engaño.

Aquí no debe estar en "issue" la cuestión de la ciudadanía Americana. Se concedió en 1917, los que nacieron posterior a eso son ciudadanos por el derecho natural. Eso no es un asunto que debe estar en discusión aquí. O sea, los Puertorriqueños somos Puertorriqueños, la nación Puertorriqueña con ciudadanía Americana. Lo que a mí me preocupa en todo esto y yo le respeto obviamente su posición que usted es el Comisionado de todos los Puertorriqueños aunque no estoy- estoy en total desacuerdo con su posición, pero respeto obviamente, porque yo cumplo siempre mi parte del pacto. Ahora, me preocupa cuando la otra parte no la cumple. Bien, entonces me preocupa por ejemplo en estos momentos, la posición suya que luce que es la posición de esta Comisión, si no me corrigen, es que los Estados Unidos en confabulación cuando vino a Puerto Rico, engañaron al mundo.

Las consecuencias de eso van a ser que si resentimientos hay contra los Estados Unidos en estos momentos y ustedes lo vieron en el panel anterior, Lolita Lebron, mancillada, dañada en su espíritu. Si resentimiento había, ahora después de las expresiones... No, si lo que pasó fue que no hubo ningún pacto, esto todo era un engaño, obviamente los Estadolibristas vamos a ir a los tribunales. Por lo menos yo voy a los tribunales. Pero va a haber más resentimiento—en este país.

Va a haber más resentimiento en este país, porque siguen dividiendo al pueblo de Puerto Rico. Yo tengo la fuerza moral para exigirle el pacto, le di diecisiete años de servicio, todavía estoy en

la reserva activa. Mi padre, mi hermano, mi otro hermano... Yo tengo la fuerza moral. Ahora resulta que no hubo pacto, pues vamos a los tribunales. Pero el problema de todo esto es que siguen dividiendo al pueblo de Puerto Rico y eso es más lamentable porque crea más resentimiento.

También quiero tocar... Aprovechar la oportunidad, alguien tocó el asunto del Inglés. O sea, que los Puertorriqueños el problema del aprendizaje del Inglés. No, el problema del aprendizaje del Inglés de los Puertorriqueños. Es que aquí no se ha enseñado Inglés para que aprendamos Inglés. Aquí se ha enseñado Inglés para desnaturalizar a los Puertorriqueños. A mí siempre me llega... A mí... Inmediatamente me llega a la mente, el cuento que nos estuvieron contando de niños, de Jorge Washington, el que nunca dijo una mentira. Yo quiero hacer igual que Jorge Washington que nunca dijo una mentira. Entonces nos están vendiendo, a nuestros niños le han estado vendiendo durante todo el siglo, de que la mejor forma de ser mejor ciudadano es parecerse a Jorge Washington en los Estados Unidos. Entonces en el proceso, en lugar de enseñarles Inglés a los Puertorriqueños reconociendo los valores de los Puertorriqueños, los queremos desnaturalizar. Y por eso es que el espíritu del Puertorriqueño se resiste a aprender el Inglés. No es porque no quiera aprender Inglés, es porque lo que le están enseñando es... Simplemente le están dañando su naturaleza. El Puertorriqueño quiere aprender el Inglés y quiere aprender el Francés, pero es que en el proceso, no le quieren enseñar Inglés, lo quieren desnaturalizar. Y todas esas cosas, pues son lamentables pero tienen que llegar a esta Comisión.

Mr. ROMERO-BARCELÓ. My time is up. I have to turn to the others.

Mr. Underwood.

Mr. UNDERWOOD. I have no questions.

Mr. ROMERO-BARCELÓ. Mr. Young.

Mr. YOUNG. I have one comment to Ferdinand.

You are in the State House? State Senate?

Mr. GONZALES. House.

Mr. YOUNG. Do you have rules?

Mr. GONZALEZ. Si.

Mr. YOUNG. The rules apply to everyone.

Mr. GONZALEZ. Si.

Mr. YOUNG. I have rules that apply to everybody, too. Everybody is asked to testify, consent to the same form. That is the rules of the House, as you have rules in your House. Don't question my rules.

Mr. GONZALEZ. Señor Presidente, este pueblo y los representantes de este pueblo tenemos el perfecto derecho a cuestionar los procedimientos, por cuanto durante cien años, hemos estado divididos y ahora en cinco minutos quiere que hagamos una expresión a los efectos de decidir una cuestión tan importante como es el status de este país. Tenemos el perfecto derecho como hombres libres y mujeres libres, a cuestionar los procedimientos con mucho respeto.

Mr. YOUNG. I haven't asked you a question.

Mr. ROMERO-BARCELÓ. No more questions. That is the rules. No more questions.

Mr. LOPEZ. La democracia est coartada entonces.

Mr. ROMERO-BARCELÓ. No, that—that's the rules.

Mr. LOPEZ. Exacto.

Mr. ROMERO-BARCELÓ. No more questions.

Mr. LOPEZ. No, porque deberíamos reaccionar a las expresiones que usted hizo. La democracia está coartada entonces.

Mr. ROMERO-BARCELÓ. That's what—you would say, that's your freedom to say it.

Mr. LOPEZ. Una vez más.

Mr. ROMERO-BARCELÓ. I will call the next panel, Luis Vega Ramos, Ramon Velasco, Hector Borges, Julio Cezar Lopez Gerena, Gonzalo Fernos-Lopez, and Angel Ortiz-Guzman.

STATEMENT OF LUIS VEGA RAMOS, PRESIDENT, PROELA, SAN JUAN, PUERTO RICO

Mr. RAMOS. Good afternoon.

We come before this Committee for the third time in as many years to ask you to enact legislation for the Puerto Rican Nation to self-determine its sovereignty.

We sincerely hope we have reached a stage where we have more congressional appearances behind us than ahead of us. Last year we testified on H.R. 34, on that time which claim to fair place and today, refer to H.R. 856, we add the following.

Goodwill requires to refrain from offering any territorial status. If you mean what you say, when you claim you want to decolonize, you cannot offered unincorporated territory or the incorporated one, not even as an option to another status. The options are independence, statehood, and free associated state, or "Estado Libre Asociado," in Spanish. That is what us and international law provide for. The options should be clearly defined in terms of economic and political consequences.

This is particularly important in the case of statehood, because we are a distinct Spanish speaking nationality that won't assimilate easily into the American body politic. Certainly it forbids that two options have the same definition. That would be highly misleading to the electorate. Each of the three options should have its own valid text. All Puerto Ricans must be allowed to vote. Self-determination applies to nations and not to random groups. Puerto Rico, as you have seen in these hearings, is a nation, so all of us have a say in this decision.

Finally, both fair play and goodwill demand a quicker response and implementation mechanisms. We shouldn't have to wait for decades and new votes so our grandchildren finally know if Congress is going to implement our will.

We congratulate the administration and Chairman Miller for your stand on this issue. We refer you to notes that have been filed by another witness in this panel, the attorney, Angel Ortiz. We said last year, let us be totally clear, Estado Libre Asociado has to be one of the options, but not as it is today, because in fact nobody is asking for that. Instead, it must be included as it should be, sovereign, clearly outside the territorial clause and associated to the United States only by means of bilateral compact.

We said our proposal represented the majority of the pro-Commonwealth forces. Recent events have confirmed this. On March

15th, the youth organization of the Popular Democratic Party sponsored a definition that was endorsed by prominent leaders of that party. It is the acceptable minimum for all of the organizations, and in fact, many of the leaders who have been here today support that definition. It should be the building block for an offer of bilateral association to Puerto Rico.

This definition, which we include in our statement, establishes Estado Libre Asociado, as a formula based solely on Puerto Rican sovereignty. This has clear implications for H.R. 856 for the kinds of options it includes.

Let there be no mistake about it; the consensus in the Popular Democratic Party in Puerto Rico, the consensus of which is a proud part of, is for the unadulterated Puerto Rican sovereignty. That means full, free, association.

Much has been argued by the implement of this option by the retention of citizenship for Puerto Ricans and their offspring. Even the former Ambassador has expressed an opinion. We did our homework and found no constitutional impediment for the inclusion in the compact of U.S. citizenship for new generations of Puerto Ricans.

I repeat, there is no constitutional impediment for the inclusion in the compact of U.S. citizenship guarantees for these and new generations of Puerto Ricans.

Furthermore, two are alternatives for the long-standing U.S. presence. We submitted a letter to the chairman recently prepared by our experts that explains in detail our citizenship proposal. After seeing it, members of the Committee, you will agree that Puerto Rican sovereignty and U.S. citizenship are compatible. It is simply a question of political will.

We urge Congress to adopt a policy that is sound and that is right. The United States has the duty to act. H.R. 856 can be another drummer in an endless march of follies, or it could still be the beginning of a beautiful friendship and partnership between both our Nations. The choice, Members of Congress, is all yours.

Thank you.

Mr. YOUNG. Thank you, Luis.

Mr. Velasco.

STATEMENT OF RAMON L. VELASCO, ASSOCIATION OF PRO-COMMONWEALTH ATTORNEYS, BAYAMON, PUERTO RICO

Mr. VELASCO. Good afternoon, members of the Committee. I represent the Association of Pro-Commonwealth Attorneys. The Association of Pro-Commonwealth Attorneys appears before the Committee today in order to participate in this congressional hearing on H.R. 856.

We believe it is important to point out to this Committee that there are several basic findings included in the bill that, in our opinion, are incorrect or inconsistent with the law as interpreted by the U.S. Supreme Court and other Federal court decisions.

In 1950, the U.S. Congress enacted Public Law 600, which enabled the people of Puerto Rico to make a constitution to cover its internal affairs consistent with the American democratic tradition of government by the consent of the governed. The act itself was submitted to and approved by the people of Puerto Rico.

Public Law 600 declared that when the Constitution was approved, the organic provisions of the Jones Act would be automatically repealed. The Constitution was approved by Public Law 447 as a pact between Congress and the people of Puerto Rico. Through this process, the people of Puerto Rico achieved full self-government. The Federal Government's relations with Puerto Rico changed from being bounded by merely the territorial clause and the rights of a people the Puerto Rico as United States citizens, to being bounded by the United States and Puerto Rico Constitutions, Public Law 600, the Federal Relations Act, and the rights of the people of Puerto Rico as United States citizens.

Federal statutes, U.S. Government official positions, and judicial interpretations provide a clear picture of Commonwealth. It is a political status that created a body politic, with autonomy and sovereignty over local matters of a nature equal to a state. This authority has recognized a compact that cannot be change unilaterally, because the term "compact" implies or presupposes a bilateral agreement.

In view of this history of judicial interpretations and U.S. Government official positions, we think it should be clear that Puerto Rico has achieved self-government and that its autonomy and sovereignty are equal to those normally attributed to a State. It is therefore a mistake to base this bill on the assumption that the only alternative to full self-government is the ones included in the bill.

The Commonwealth created in 1952 is an alternative. It is not perfect, and can be expanded and modernized. The definition exalted by the Popular Democratic Party appealed to the goal of and opens the process of negotiation to clarify, and or expand, the present relationship.

The concept of self-determination applies to the process of presenting the alternatives itself. The way this bill is enacted does not comply with that rule. The bill disqualifies the present state of the law without any participation of Puerto Rico.

The final arbiter of these matters is the Supreme Court, as was announced to the United Nations. When Public Law 600 was approved by the Congress, the requirement of its acceptance was dictated to the people by Congress. That same procedure must be used now.

There is another aspect that should worry us all. The United States has been consistent, year after year in the United Nations, in its positions that Puerto Rico's case is closed. The future development and greater autonomy of Puerto Rico is both necessary and desirable in a modern and changing world. However, it is a private matter between two sovereigns that are associated by a compact.

The United Nations Resolutions Number 1514 and 1541 and other resolutions require, among other things, the demilitarization of the territory. This applies to territories that have not achieved full self-government and are still under the jurisdiction of the United States. Puerto Rico is not such a territory and arguing that it is does not serve the best interests of either the United States or Puerto Rico. It is unnecessary and can be ill advised and risky.

The enemies of the United States and Puerto Rico may try to influence this Congress to fall into that mistake. The presentation of

alternatives present under this bill does not satisfy a majority of the potential voters in a plebiscite. The existing relationship may devote the need for the court's intervention to adjudicate the authorities by the premises included in it.

Statehood is not good for the United States and Puerto Rico. And neither is it good for our desire to be a distinct people and your need to be a cohesive natural body. These things have been pronounced by the Supreme Court on several occasions.

Puerto Rico is associated with the United States, permanently bounded by our many common interests. Any bill should take this into consideration. The Congress should follow suit since, after all, this is a matter of political will. It is not foreclosed by legality. We are confident we will win a fair and just plebiscite. Let us create a fair and modernization of the compact that would make the next generation of Americans and Puerto Ricans proud of this generation.

Thank you, Mr. Chairman.

Mr. YOUNG. Thank you, Hector.

**STATEMENT OF HECTOR QUIJANO BORGES, ASSOCIATION OF
STATEHOOD ATTORNEYS, SAN JUAN, PUERTO RICO**

Mr. BORGES. Good afternoon, Mr. Chairman, distinguished Members of Congress. Welcome to Puerto Rico.

My name is Hector Quijano Borges, and I come before you on behalf of the Attorneys for Statehood, an organization that represents thousands of attorneys who believe in the democratic system of the United States as well as in the permanent union with the same Nation.

It is a fact that in Puerto Rico, the vast majority of attorneys, especially the younger generations, treasure our U.S. citizenship. We also represent the new generations of job professionals who decide a new future of security, progress, equality, for our families, our children.

I would like to begin by commending the Committee on Resources for its contribution in providing a process that would put an end to the colonial dilemma of Puerto Rico. This bill reflects the effort of the U.S. Congress to respond to the aspiration of our 3.7 million U.S. citizens eager to become Americans.

The Association of Attorneys for Statehood endorses the seven-point definitions of the statehood contained in this bill. And in this hearing you have heard the statement of those who oppose that Puerto Rico should become federated State of the Union. They argue that statehood represents three basic problems for the United States.

First, they allege that if Puerto Rico became the 51st State, it would be dependent State; second, that both our language and culture are now not compatible with becoming a State; third, that statehood for Puerto Rico would be extremely costly for the U.S.

Obviously, those are arguments that only pretend to manipulate your conscience as well as that of the Puerto Rican people. Let's take those arguments and discuss them one by one.

I must be clear that, in the ELA, dependency of Puerto Ricans to work for our problems increase every day. We are much more dependent proportionally than all 50 States. The so-called new defi-

inition of ELA proposes equal treatment in Federal programs with our contribution, a penny, for the Federal Treasury.

Could there be a better example of the dependency than asking for benefits without assuming any duties? It is a fact that this definition does not fit in the fair and constitutional system of the United States. In legal, constitutional, and practical terms, this definition is not acceptable.

Furthermore, the perpetration of a colonial status for Puerto Rico is in clear violation of the basic principles of international law. History reveals that no one State has become poorer after joining the Union. On the contrary, experience tells us that economy of all territories after becoming State has strongly developed.

Far from becoming a dependent state, Puerto Rico with the advantage of becoming a bilingual State, and with the assets of its hard-working people, will become the commercial bridge between the Spanish-speaking world and the United States. Our economic development as a State will be notorious.

To say that Puerto Rico as a State will be a problem for the United States for speaking both Spanish and English contravenes the constitutional principles that all men are created equal. Far from being a problem, our bilingualism enriches our U.S. Nation. So that everyone clearly understands this point, allow me to continue my statement in Spanish.

Esto lo hago, para que quede también meridianamente claro que no hay incompatibilidad en creer en la estadidad, ser estadista y ser Puertorriqueño, atesorar el idioma Español, nuestra cultura, tradiciones y religión. Estados Unidos es un vitral de etnias y culturas, unida por unas mismas creencias, por unos mismos principios de convivencia humana y democracia, sin importar el lugar de origen, la raza y el color. Y nosotros añadimos, sin importar si se hablan o no, uno o más idiomas.

El hecho de que en Puerto Rico tengamos el Español y el Inglés como idiomas oficiales, en nada afecta a la nación. Por el contrario, la enriquece y le da la versatilidad deseada en un mundo donde las comunicaciones y la computación han eliminado las barreras de las distancias entre las naciones. Estamos en la era de la globalización. Los pueblos no pueden ni deben colocar barreras entre unos y otros. Lo que deben colocar son puentes de entendimiento y de amistad. Ese es el nuevo mundo, al cual aspiramos los jóvenes profesionales de esta bendita tierra, las mismas personas que le dicen ustedes que su fórmula incluye paridad de fondos Federales sin la obligación de contribuciones Federales, son aquellas que insinúan que Puerto Rico no puede ser estado porque la cantidad de fondos que recibiría sería muy grande y constituiría una carga para el presupuesto de los Estados Unidos, como si el problema del status se tratara de un asunto de dólares y centavos. El problema colonial de Puerto Rico es un asunto de dignidad humana. No es, y repito, no es un asunto de dinero o de negocios. La nación que ustedes representan, los Estados Unidos de Norteamérica, siempre se ha distinguido por ser la nación más generosa del mundo.

Nos preguntamos ahora, ¿es que ese sentimiento de generosidad, ese sentimiento magnánimo se puede perder? El permitirle a los Puertorriqueños decidir su destino político, final, con fórmulas realmente descolonizadoras y constitucionalmente aceptables,

incluyendo la estadidad, tampoco puede ser un asunto de dólares y centavos para los Estados Unidos de Norteamérica.

Finalmente, queremos llamar la atención a este Comité sobre las expresiones vertidas aquí por lo que presentan la nueva definición del ELA. Según ellos, el proceso tiene que ser uno de consenso, donde la fórmula que concursen según aprobadas por el Congreso, sean aceptables para los proponentes de las fórmulas. Sin embargo, nos preguntamos, ¿cómo se puede complacer a los proponentes del ELA si la definición que proponen es totalmente irreal e inconstitucional?

Mr. YOUNG. Puerto Rico is like Alaska. Just a little more.

Mr. BORGES. Definitely.

We believe that statehood is the first commission to the colonial problem. We want to preserve, protect and make our U.S. citizenship be permanent, equal to that of Puerto Rico's brothers and sisters in the United States. We find that can only be achieved within the framework of sovereignty shared with the other 50 States of the American Nation. Thank you very much.

[The prepared statement of Mr. Borges follows:]

STATEMENT OF HECTOR QUIJANO-BORGES, ESQ.

**PRESIDENT
ASSOCIATION OF ATTORNEYS FOR STATEHOOD**

**Before the Committee on Resources
U.S. House of Representatives**

**on H.R. 856
The United States-Puerto Rico
Political Status Act**

**April 21, 1997
Mayagüez, Puerto Rico**

GOOD AFTERNOON MR. CHAIRMAN, DISTINGUISHED MEMBERS OF CONGRESS AND WELCOME TO PUERTO RICO. MY NAME IS HECTOR QUIJANO-BORGES AND I COME BEFORE YOU ON BEHALF OF THE ASSOCIATION OF ATTORNEYS FOR STATEHOOD, AN ORGANIZATION THAT REPRESENTS THOUSANDS OF ATTORNEYS WHO BELIEVE IN THE DEMOCRATIC SYSTEM OF THE UNITED STATES OF AMERICA, AS WELL AS IN THE PERMANENT UNION WITH SAID NATION. IT IS A FACT THAT, IN PUERTO RICO, THE VAST MAJORITY OF ATTORNEYS, ESPECIALLY THE YOUNGER GENERATIONS, TREASURE OUR U.S. CITIZENSHIP.

WE ALSO REPRESENT THE NEW GENERATIONS OF YOUNG PROFESSIONALS WHO DESIRE A NEW FUTURE OF SECURITY, PROGRESS AND EQUALITY FOR OUR FAMILIES AND CHILDREN.

I WOULD LIKE TO BEGIN BY COMMENDING THE COMMITTEE ON RESOURCES FOR ITS CONTRIBUTION IN PROVIDING A PROCESS THAT WILL PUT AN END TO THE COLONIAL DILEMMA OF PUERTO RICO. THIS BILL REFLECTS THE EFFORTS OF THE U.S. CONGRESS TO RESPOND TO THE ASPIRATIONS OF OVER 3.7 MILLION U.S. CITIZENS WHO ARE EAGER TO BECOME EQUAL PARTNERS.

THE ASSOCIATION OF ATTORNEYS FOR STATEHOOD ENDORSES THE SEVEN-POINT DEFINITION OF STATEHOOD CONTAINED IN THIS BILL.

DURING THESE HEARINGS YOU HAVE HEARD THE STATEMENTS OF THOSE WHO OPPOSE THAT PUERTO RICO SHOULD BECOME A FEDERATED STATE OF THE UNION. THEY ARGUE THAT STATEHOOD REPRESENTS THREE BASIC PROBLEMS

FOR THE UNITED STATES.

FIRST, THEY ALLEGE THAT IF PR BECAME THE FIFTY-FIRST STATE IT WOULD BE A DEPENDENT STATE. SECONDLY, THAT BOTH OUR LANGUAGE AND CULTURE ARE NOT COMPATIBLE WITH BECOMING A STATE. THIRD, THAT STATEHOOD FOR PUERTO RICO WOULD BE EXTREMELY COSTLY FOR THE US.

OBVIOUSLY, THOSE ARE MYTHS THAT ONLY PRETEND TO MANIPULATE YOUR CONSCIENCE AS WELL AS THAT OF THE PUERTORRICAN PEOPLE.

LETS TAKE THOSE ARGUMENTS AND DISCUSS THEM ONE BY ONE.

IT MUST BE CLEAR THAT IN THE ELA, DEPENDENCY OF PUERTORRICANS TO WELFARE PROGRAMS INCREASES EVERYDAY. WE ARE MUCH MORE DEPENDENT, PROPORTIONALLY, THAN ALL FIFTY (50) STATES.

THE SO-CALLED NEW DEFINITION OF ELA PROPOSES EQUAL TREATMENT IN FEDERAL PROGRAMS WITHOUT CONTRIBUTING A PENNY TO THE FEDERAL TREASURY. COULD THERE BE A BETTER EXAMPLE OF DEPENDENCY THAN ASKING FOR BENEFITS WITHOUT ASSUMING ANY DUTIES?

IT IS A FACT THAT THIS DEFINITION DOES NOT FIT IN THE FEDERAL AND CONSTITUTIONAL SYSTEM OF THE UNITED STATES. IN LEGAL, CONSTITUTIONAL AND PRACTICAL TERMS THIS DEFINITION IS NOT ACCEPTABLE. FURTHERMORE, THE PERPETUATION OF A COLONIAL STATUS FOR PUERTO RICO IS IN CLEAR VIOLATION OF THE BASIC PRINCIPLES OF INTERNATIONAL LAW.

HISTORY REVEALS THAT NO ONE STATE HAS BECOME POORER AFTER JOINING THE UNION. ON THE CONTRARY, EXPERIENCE TELLS US THAT THE

ECONOMY OF ALL TERRITORIES, AFTER BECOMING STATES, STRONGLY DEVELOPED.

FAR FROM BECOMING A DEPENDENT STATE, PUERTO RICO, WITH THE ADVANTAGE OF BECOMING A BILINGUAL STATE AND WITH THE ASSET OF ITS HARD-WORKING PEOPLE WOULD BECOME THE COMMERCIAL BRIDGE BETWEEN THE SPANISH-SPEAKING WORLD AND THE UNITED STATES. OUR ECONOMIC DEVELOPMENT AS A STATE WILL BE NOTORIOUS.

TO SAY THAT PUERTO RICO AS A STATE WOULD BE A PROBLEM FOR THE UNITED STATES, FOR SPEAKING BOTH SPANISH AND ENGLISH, CONTRAVENES THE CONSTITUCIONAL PRINCIPLE THAT ALL MEN ARE CREATED EQUAL. FAR FROM BEING A PROBLEM, BILINGUALISM ONLY ENRICHES OUR U.S. NATION.

SO THAT EVERYONE CLEARLY UNDERSTANDS THIS POINT, ALLOW ME TO CONTINUE MY STATEMENT IN SPANISH.

ESTO LO HAGO PARA QUE QUEDE TAMBIEN MERIDIANAMENTE CLARO QUE NO HAY INCOMPATIBILIDAD EN CREER EN LA ESTADIDAD, SER ESTADISTA Y SER PUERTORRIQUEÑO; ATESORAR EL IDIOMA ESPAÑOL, NUESTRA CULTURA, TRADICIONES Y RELIGION.

ESTADOS UNIDOS ES UN VITRAL DE ETNIAS Y CULTURAS, UNIDAS POR UNAS MISMAS CREENCIAS, POR UNOS MISMOS PRINCIPIOS DE CONVIVENCIA HUMANA Y DEMOCRACIA, SIN IMPORTAR EL LUGAR DE ORIGEN, LA RAZA Y EL COLOR Y NOSOTROS AÑADIMOS, SIN IMPORTAR SI SE HABLAN O NO, UNO O MAS

IDIOMAS.

EL HECHO DE QUE EN PUERTO RICO TENGAMOS EL ESPAÑOL Y EL INGLES COMO IDIOMAS OFICIALES EN NADA AFECTA A LA NACION. POR EL CONTRARIO, LA ENRIQUECE Y LE DA LA VERSATILIDAD DESEADA EN UN MUNDO DONDE LAS TELECOMUNICACIONES Y LA COMPUTACION HAN ELIMINADO LAS BARRERAS DE LAS DISTANCIAS ENTRE LAS NACIONES. ESTAMOS EN LA ERA DE LA GLOBALIZACION. LOS PUEBLOS NO PUEDEN, NI DEBEN COLOCAR BARRERAS ENTRE UNOS Y OTROS. LO QUE DEBEN COLOCAR SON PUENTES DE ENTENDIMIENTO Y AMISTAD. ESE ES EL NUEVO MUNDO AL CUAL ASPIRAMOS LOS JOVENES PROFESIONALES DE ESTA BENDITA TIERRA.

LAS MISMAS PERSONAS QUE LE DICEN A USTEDES QUE SU FORMULA INCLUYE PARIDAD EN FONDOS FEDERALES SIN LA OBLIGACION DE CONTRIBUCIONES FEDERALES, SON AQUELLAS QUE INSINUAN QUE PUERTO RICO NO PUEDE SER ESTADO, PORQUE LA CANTIDAD DE FONDOS QUE RECIBIRIA SERIA MUY GRANDE Y CONSTITUIRIA UNA CARGA PARA EL PRESUPUESTO DE ESTADOS UNIDOS.

COMO SI EL PROBLEMA DEL STATUS SE TRATARA DE UN ASUNTO DE DOLARES Y CENTAVOS. EL PROBLEMA COLONIAL DE PUERTO RICO ES UN ASUNTO DE DIGNIDAD HUMANA; NO ES, Y REPITO; NO ES, UN ASUNTO DE DINERO O DE NEGOCIOS.

LA NACION QUE USTEDES REPRESENTAN, LOS ESTADOS UNIDOS DE NORTEAMERICA, SIEMPRE SE HA DISTINGUIDO POR SER LA NACION MAS

GENEROSA DEL MUNDO. NOS PREGUNTAMOS AHORA, ¿ES QUE ESE SENTIMIENTO DE GENEROSIDAD, ESE SENTIMIENTO MAGNANIMO SE PUEDE PERDER? ES QUE LA GENEROSIDAD DE LA NACION NO LA PUEDEN RECIBIR 3.7 MILLONES DE CIUDADANOS AMERICANOS QUE HAN VISTO A SUS HIJOS PARTIR HACIA EL CAMPO DE BATALLA A DERRAMAR SU SANGRE POR LOS PRINCIPIOS QUE GOBIERNAN ESTA NACION; EN UN ACTO DE GENEROSIDAD QUE MUCHOS PAGARON CON SU VIDA; SIN QUE NADIE LES PREGUNTARA SI HABLABAN BIEN O MAL EL INGLES O GOZABAN O NO DE LA PLENITUD DE LOS DERECHOS QUE COMO CIUDADANOS AMERICANOS LE OTORGABA LA CONSTITUCION DE LA NACION QUE ESTABAN DEFENDIENDO. OBVIAMENTE NO SE TRATABA ENTONCES DE UN ASUNTO DE DOLARES Y CENTAVOS.

EL PERMITIRLE A LOS PUERTORRIQUEÑOS DECIDIR SU DESTINO POLITICO FINAL CON FORMULAS REALMENTE DESCOLONIZADORAS Y CONSTITUCIONALMENTE ACEPTABLES, INCLUYENDO LA ESTADIDAD, TAMPOCO PUEDE SER UN ASUNTO DE DOLARES Y CENTAVOS PARA LOS ESTADOS UNIDOS DE NORTEAMERICA.

FINALMENTE QUEREMOS LLAMAR LA ATENCION A ESTE COMITE SOBRE LAS EXPRESIONES VERTIDAS AQUI, POR LOS QUE PRESENTAN LA NUEVA DEFINICION DEL ELA. SEGUN ELLOS EL PROCESO TIENE QUE SER UNO DE CONSENSO DONDE LAS FORMULAS QUE CONCURSEN, SEGUN APROBADAS POR EL CONGRESO, SEAN ACEPTABLES PARA LOS PROPONENTES DE LAS FORMULAS. SIN EMBARGO, NOS PREGUNTAMOS: ¿COMO SE PUEDE COMPLACER A LOS

PROPONENTES DEL ELA, SI LA DEFINICION QUE PROPONEN ES TOTALMENTE IRREAL E INCONSTITUCIONAL? EL CONSENSO QUE SE PIDE TIENE QUE SER SOBRE BASES REALISTAS, NO SOBRE QUIMERAS IMPOSIBLES. ¿COMO PUEDE HABER UN ELA SOBERANO CAPAZ DE LLEGAR A UN ACUERDO (COMPACT) CON LOS ESTADOS UNIDOS Y A LA MISMA VEZ RETENER LA CIUDADANIA AMERICANA QUE ES UN DERECHO EXCLUSIVO DE LOS CIUDADANOS DE LA NACION?

EN DEFINITIVA NOSOTROS QUE CREEMOS EN LA ESTADIDAD COMO SOLUCION REAL Y JUSTA AL PROBLEMA COLONIAL, ESTAMOS ORGULLOSOS DE SER PUERTORRIQUEÑOS, PERO AL MISMO TIEMPO DESEAMOS CONSERVAR, PROTEGER, Y HACER PERMANENTE NUESTRA CIUDADANIA AMERICANA, EN IGUALDAD CON NUESTROS HERMANOS PUERTORRIQUEÑOS EN LOS ESTADOS UNIDOS Y CONCIUDADANOS AMERICANOS, DENTRO DE LA UNION COMO ESTADO FEDERADO.

LA LIBERTAD PLENA A LA QUE ASPIRAMOS LAS NUEVAS GENERACIONES DE PUERTORRIQUEÑOS ES LA DEL CONOCIMIENTO Y LAS OPORTUNIDADES QUE SOLO PUEDE SER ALCANZADA DENTRO DEL MARCO DE LA SOBERANIA COMPARTIDA CON LOS OTROS 50 ESTADOS DE LA NACION AMERICANA.

ASPIRAMOS A LA IGUALDAD.

MUCHAS GRACIAS.

Mr. YOUNG. I love America and I love the process. I have two opposing views side-by-side.

**STATEMENT OF HON. JULIO CESAR LOPEZ GERENA, MAYOR
OF HUACAO, HUMACAO, PUERTO RICO**

Mr. GERENA. Good afternoon. We are going to request that you take our statement in English for the record, but this afternoon we would like to present it in Spanish.

Mr. YOUNG. Without objection.

Mr. GERENA. Chairman Young, Mr. Miller, Mr. Romero-Barceló, members of the Committee on Resources, my name is Julio Cesar Lopez Gerena. I am the mayor of the city of Humacao, located in the eastern coast of our Island, with a population of approximately 60,000. Last November I had the privilege of being reelected to a second 4-year term, albeit with a municipal assembly controlled by the same party, the pro-statehood New Progressive Party.

I take much pride in this electoral achievement, as Humacao had always been a stronghold of the Popular Democratic Party. Certainly our city has undergone significant changes as well as many other municipalities around the Island. Throughout the 1970's and 1980's, conventional wisdom was that in order for the pro-statehood New Progressive Party to win a general election it had to depend on a strong showing in the municipalities encompassing the metropolitan area. Since there were over two dozen municipalities on the rest of the Island, the pro-commonwealth party had never lost an election. That was the case of our city in Humacao.

The logic was supposedly that statehood appealed as a status option to those Puerto Ricans with the mainstream; in other words, the upper and middle classes that had ready access to cable TV and the opportunity to study in the mainland in the United States. Therefore, following this same logic, the pro-commonwealth party was the party that appealed to the working classes and the rural poor, as it supposedly continued its original quest for social justice using the party slogan of "bread, land and liberty."

Yet a silent and irreversible transformation has been underway. As the general elections of 1982 and 1996 show, the pro-statehood New Progress Party, which advocates statehood, has shown incredible strength in every region of our Island, garnering 54 out of the 78 municipalities in the elections, 14 out of the 16 district Senators and 30 out of the 40 district Representatives in 1992, as well as 13 district Senators and 31 district Representatives in 1996.

For many years the economic model for the pro-commonwealth Popular Democratic Party depended exclusively on section 936. This incentive showed many limitations. While the pro-commonwealth Popular Democratic Party was the power between 1985 and 1993, it did not show any effort to nourish the development of other sectors of our economy and then avoid an overdependence in the sector of manufacturing.

Still, the extent of such a myopic vision did not end there, as there was no significant massive infrastructure development during these years. That is why prosperity could only go so far, failing to reach in a significant manner many regions of our Island, including our eastern coast.

As an example, according to the statistics of the U.S. Census Bureau in 1990, our city of Humacao had a per capita yearly income of \$3,955. To me, the most surprising and regrettable fact about the figures is that Humacao ranked the 16th highest among the Island's 78 municipalities.

In 1993, the pro-commonwealth party had the slogan of "the best of two worlds." How can they say that when in 1991, 58.9 percent of all Puerto Ricans lived below the poverty line and when the gap between Puerto Rico and the per capita income in Mississippi was even becoming wider?

The efforts of the Rossello administration were health and education, which allowed us to be fair and to empower even the poorest of our citizens. As the mayor of a middle sized city, I know the benefits that statehood would bring to my citizens, both individually as well as collectively. Our city would receive the benefit of an increase in assistance to be able to improve the services provided in housing, health, education, solid waste disposal, as well as many others.

As a firm believer in the American dream, we know that to be able to provide real social justice, we need to become the 51st State of the Union. I want to make it clear that I also favor statehood for Puerto Rico, as it is the only option that would allow us to stand on our feet. We are statehooders because we have dignity and we have complete confidence in our people. We know for sure that we will be contributors for the future well-being in this great Nation of ours.

Finally, I want to stress to this Committee the importance of making it clear that under the territorial definition of Commonwealth, Congress has disciplinary powers over Puerto Rico as it has over any other territory. Let us proclaim this in the clearest and least ambiguous terminology and language.

As the U.S. Court of Appeals for the 11th Circuit said in the case of *U.S. vs. Sanchez* of 1993, "Congress may unilaterally repeal the Puerto Rican constitution of the Puerto Rican Federal Relations Act and replace them with any rules or regulations of its choice."

Thank you, Mr. Chairman and members of the Committee.

[The prepared statement of Mr. Lopez-Gerena follows:]



Bandera
Humacao

ADMINISTRACIÓN MUNICIPAL DE HUMACAO

Apartado 178
Humacao, Puerto Rico 00792

Hon. Julio César López Gerena
Alcalde



Escudo
Humacao

TESTIMONY OF THE HONORABLE JULIO CESAR LOPEZ-GERENA MAYOR OF HUMACAO BEFORE THE HOUSE OF RESOURCES COMMITTEE ON H.R. 855 "UNITED STATES-PUERTO RICO POLITICAL STATUS ACT"

Chairman Young, Mr. Miller, Mr. Romero-Barceló and members of the Committee on Resources of the United States of Representatives:

My name is Julio César López Gerena. I am the Mayor of the city of Humacao, located in the eastern coast of our Island, with a population of approximately sixty thousand. This past November, I had the privilege of being re-elected to a second four year term; albeit this time with a Municipal Assembly controlled by the same party, the pro-Statehood New Progressive Party.

I take much pride in this electoral achievement, as Humacao had always been a stronghold of the Popular Democratic Party. Yet, a significant shift is underway in our city, as well as in many other municipalities around the Island. Throughout the 1970's and 80's conventional wisdom was that in order for the pro-statehood New Progressive Party to win a general election it had to depend on a strong showing in the municipalities that encompass the San Juan Metro Area, as there were probably over two dozen municipalities in the rest of the Island where the pro-Commonwealth Party had never lost an election. Our city of Humacao was one such case.

The logic supposedly was that statehood practically only appealed as a status option to those Puerto Ricans who were in close contact with the mainstream "American" culture. In other words, the middle and upper classes that had ready access to cable TV and the opportunity to study in the mainland United States, among other things. Therefore, following that same logic, the pro-Commonwealth Party was the party that appealed to the working classes and the rural poor, as it supposedly continued its original quest for social justice; thus the old party slogan of "bread, land and liberty".

Yet, a silent and irreversible transformation has been underway. As the general elections of 1992 and 1996 showed, the pro-Statehood New Progressive Party has shown incredible strength in every region of our Island; garnering 54 of the 78 municipalities in both elections; 14 out of the 16 district senators and 30 out of the 40 district representatives in 1992; as well as 13 district senators and 31 district representatives in 1996.

You might inquire about the reasons behind this transformation. Basically, it is largely due to the bankruptcy of the supposed "Commonwealth" relation and to the lack of adequate tools that a local self-governing territory has in order to address its social-economic needs.

For years, the economic development model for the Pro-Commonwealth Popular Democratic Party depended almost exclusively of the "Possessions Corporation System of Taxation", better known as Section 936 of the Internal Revenue Code of the United States. Sadly this tax incentive underperformed immensely. Meanwhile while in power between 1985 and 1993, the pro-Commonwealth Popular Democratic Party showed no concerted effort to foster the development of other segments of our economy, so as to avoid and over dependence in the manufacturing sector.

Still, the extent of such myopic vision did not end there, as there was also no significant infrastructure development during those years. That is why prosperity could only go so far, failing to reach in a significant manner many regions of our Island, including our eastern coast. As an example, according to the statistics by the U.S. Census Bureau in 1990, our city of Humacao had a per capita yearly income of \$2,955.00. To me, the most surprising --and regrettable-- fact about that figure, is that it allowed Humacao to rank as the 16th highest among the Island's 78 municipalities in per capita yearly income. Therefore it was a travesty when Commonwealth and its supporters campaigned with the slogan "The best of two worlds" back in 1993. How could they dare say that when in 1990, 58.9% of all Puerto Ricans lived below the poverty level and when the gap between Puerto Rico and Mississippi, the poorest state of the Union was even becoming wider?

Upon taking office in January 1993, Governor Pedro Rosselló and his team of legislators and mayors, set out to change the social-economic stagnation that Puerto Rico was going through, within the constraints and limitations that are inevitable due to our condition as a territory subject to the plenary powers of the Congress. Right Away his Administration foresaw the importance of spending billions of dollars in improving the quality of our infrastructure throughout the Island, in order to make any corner of Puerto Rico as accessible and as attractive a place for investment as possible.

Quite significant also was the formulation of a new economic development model, that looked for various ways to provide for further development of long neglected sectors of the economy, such as tourism. This was done to allow for a more balanced and healthy economy island wide.

Nonetheless, the Rosselló Administration did not stop there, as it undertook many dramatic reforms in areas such as health and education, that allowed for a real justice and empowerment for even the poorest of our citizens.

At the very least, the success of many of the policies of the Rosselló and the Pro-Statehood New Progressive Administration provided enough reasons for the resounding victory we had this past November. Still, as I said before, I earnestly believe that the Puerto Rican electorate is becoming much more conscious of what is best for Puerto Rico and what is best for our future.

As a mayor of a medium sized city, I know the benefits that statehood would bring to my constituents both individually and collectively. Our city would benefit from increased funding that would allow for an improvement in services provided in the areas of housing, health, education, waste management and many others.

As full believers in the American Dream, we know that in order to provide for real social justice and real empowerment, we need to become the 51st. state of the Union. Yet, I want to make clear to you that I also favor statehood for Puerto Rico as it is the only option that would allow us to stand in our feet.



We are statehooders because we have dignity and complete confidence in our people and we know for sure that we will be contributors in the future well being in this great Nation of ours.

Finally, I want to stress to this Committee the importance of making absolutely clear that under a territorial definition of Commonwealth, Congress has plenary powers over Puerto Rico, as it has over any other territory. Let us avoid falling into a similar pitfall by using the clearest and least ambiguous terminology and language. As the U.S. Court of Appeals for the Eleventh Circuit said in the case of *U.S. v. Sánchez*, 992 F.2d 1143, at 1152 (1993): "*Congress may unilaterally repeal the Puerto Rican Constitution of the Puerto Rican Federal Relations Act and replace them with any rules or regulations of its choice*".

Thank you Mr. Chairman and members of the Committee



Mr. YOUNG. Thank you, Julio. With your indulgence, I hope to come to your city someday. It is the east side I have not seen, so I want to do that.

Mr. GERENA. You will be very welcome.

Mr. YOUNG. Thank you.

Mr. Fernos-Lopez.

STATEMENT OF GONZALO FERNOS-LOPEZ, SAN JUAN, PUERTO RICO; AND ANGEL J. ORTIZ-GUZMAN, GUAYNABO, PUERTO RICO

Mr. FERNOS-LOPEZ. Mr. Chairman, before my time comes, if I may, I want to make some logistical remarks which I believe are important for the record of this hearing.

Mr. YOUNG. Without objection, as long as it does not take too long.

Mr. FERNOS-LOPEZ. No, it is very short. On May 16 and 17 of 1963, the Territorial and Insular Affairs Subcommittee of the House conducted hearings on certain bills, about eight bills, all with the same purpose, and the title was "To establish a procedure for the prompt settlement in a democratic manner of the political status of Puerto Rico."

That was 34 years ago. A commission was created resulting from these hearings and some recommendations were made and filed away, and the whole thing remained in oblivion until the 1967 plebiscite in Puerto Rico.

Now, on March 21st I sent to Your Honor the request to testify in this hearing, and the reply came on April 9th and I was given 8 days to submit my statement or testimony with 100 copies, and that was quite a lot to write in that short period. So I must ask Your Honor the indulgence of the Committee for all the mistakes I may have committed in my statement, my full statement.

I want to thank you for letting me start, and now you can start counting my time.

Mr. YOUNG. For your information, we forgive all mistakes because we make many ourselves. But go ahead.

Mr. FERNOS-LOPEZ. Thank you. Mr. Chairman and members of the Committee, I respectfully submit the following verbal summary of my written testimony. I perceive that the controversy arising from the definition of commonwealth status in the bill H.R. 856 is the main disagreement threatening to create a stalemate situation and thus preventing this bill from being carried by both congressional Chambers.

It follows that if the House Committee on Resources does not cede to the already presented Popular Democratic Party's definition of the new commonwealth, the bill will be dead before it reaches the House floor for a vote. In that case, we commonwealth advocates may be compelled to seek redress in an international forum for an impartial, independent ruling to resolve the controversy.

First, the Treaty of Paris of 1898 is of doubtful international validity, because after having been challenged and sustained in the 1st Circuit Court of Appeals of the U.S. on the grounds that Spain had granted Puerto Rico an autonomic charter in 1897, the challenge was never raised before the U.S. Supreme Court, the United Nations nor the International Court of the Hague for a final ruling.

Second, the U.S. Congress and previous military rule of Puerto Rico have been reluctant to release the power over the Island. Mild concessions leaning toward self-government were granted to Puerto Rico by the Foraker Act of 1900 and the Jones Act of 1917, yet the Island continued under the ironclad power of the U.S. Congress until 1952.

Third, in 1950 to 1952, the U.S. Congress legislated to grant Puerto Rico an irrevocable autonomous self-government status through a mutually binding covenant, which now seems it wishes to repeal through bill H.R. 856.

Fourth, in 1953, the U.S. Ambassador to the United Nations, Henry Cabot Lodge, appeared before the United Nations General Assembly to reaffirm Puerto Rico's colonized status since 1952, and to request the United Nations to exempt the U.S. from continuing to transmit yearly information to the United Nations under article 73(e) of the United Nations Charter.

To that effect, on November 27, 1953, the United Nations General Assembly in plenary session approved resolution 748. Thus, the U.S. has assumed an ambivalent position concerning the decolonization of Puerto Rico by granting full self-government under Public Law 447 and is now disclaiming such granting through the filing of House bill H.R. 856.

Fifth, I submit that the plebiscite process, if it ever takes place, should be monitored by a United Nations mission.

Sixth, since U.S. Supreme Court decisions have not clarified to date the Puerto Rico commonwealth status, a ruling clarifying the controversy from the U.S. Supreme Court itself, the United Nations General Assembly, through its Decolonization Committee, or the International Court of the Hague should be obtained.

Seventh, I maintain that the territorial clause of the U.S. Constitution has been erroneously applied to the case of Puerto Rico.

Eighth, I am proposing a substitute definition of the new commonwealth to replace the one spelled out in the House bill H.R. 856, notwithstanding that the Popular Democratic Party has already submitted its official definition of new commonwealth status.

Ninth, for nearly a century three separate juridical entities have been debating to see which one will prevail. All the while U.S. Congressmen sit back smiling at all the bickering. I propose that all three entities could be geographically implemented by proportionately dividing the Island among the three political parties according to the percentage of votes obtained in the plebiscite.

This is, of course, a conceptual basis. It is not real. While this may sound absurd on a geopolitical basis, conceptually it is very feasible through the *sui generis* formula of the new commonwealth status, which would include at once all the advantages of statehood, independence and commonwealth, but very few of their disadvantages.

Tenth, I am suggesting a formula or method to determine the voting rights of the people in a plebiscite.

Eleventh, I am touting the language issued by labeling the "English only" posture as xenophobic.

Twelfth, I maintain that U.S. citizenship, once granted, cannot be taken away.

Thirteenth, in my final statement I emphasize the need to arbitrate as an independent, impartial forum the controversy of whether Puerto Rico has attained autonomous self-government under the covenant of 1952 or still is under the plenary power of the U.S. Congress pursuant to the territorial clause of the U.S. Constitution.

Last, I submit that the controversy must be resolved before proceeding to consider any further House bill H.R. 856. Thank you very much.

[The prepared statement of Mr. Fernos-Lopez follows:]

Testimony of Gonzalo Fernós López 1

BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON
RESOURCES.
HEARINGS ON BILL H.R. 856 TO PROVIDE A PROCESS LEADING TO FULL
SELF-GOVERNMENT FOR THE COMMONWEALTH OF PUERTO RICO.
(UNITED STATES--PUERTO RICO POLITICAL STATUS ACT).
TESTIMONY OF GONZALO FERNOS-LOPEZ
MAYAGUEZ, P.R. APRIL 21, 1997

Mr. Chairman and Members of the Committee: My name is Gonzalo Fernós López, a U.S. citizen from the Commonwealth of Puerto Rico; a rank and file member of the Popular Democratic Party which is undergoing a process of reorganization, thus has recently announced the need to go to the base of the party to determine the course of action to follow with regard *inter alia* to the political status of Puerto Rico now under consideration by this Committee. Since we are a democratic party, there should be no doubt among our constituency that my views expressed at this hearing will be accepted as a positive contribution that reinforces our belief in the existence of an irrevocable bilateral covenant¹ between the USA and PR since July 3, 1952.

PERSONAL BACKGROUND:

Brief resume: I am an architect emeritus and a retired professor ad honorem from the University of Puerto Rico, Faculty of General Studies, where I taught a course on human environment for seven years. In 1969 I organized and incorporated Citizens for the Conservation on Natural Resources to deal with the environmental degradation of PR. In 1972, while chairman of the Environmental Quality Commission of the Association of Engineers, Architects, and Surveyors of PR, as a non-governmental delegate I attended the UN Conference on the Human Environment held in Stockholm in June, 1972, where I presented a paper. I also represented our professional association at different environmental forums and seminars sponsored by the OAS and the UNESCO between 1970 and 1973. In June, 1977, I attended and participated in a constitutional convention held by world governmentalists in Innsbruck, Austria, where a model constitution for the Federation of Earth was approved after a 10 year drafting process. There I was elected vice president of World Constitution and Parliament Association with offices at Denver, Colorado, and held that position until 1981. During the next two years I founded a Puerto Rico Section of Amnesty International and chaired the section until 1985. Since 1977 I have been a member of the Editorial Advisory Board of *World Peace News*, a publication of the American Movement for World Government, a non profit organization with headquarters at 777 UN Plaza, NY. Since 1959 I have traveled widely through Europe, the former USSR (Moscow), India, the USA, and Central America. At the same time I have mainly been an observer of the political scenario in Puerto Rico and the USA.

Although I am not a lawyer, I have appeared in court and other administrative forums during the last 24 years (District Courts of PR; Superior Courts of PR; Supreme Court of PR; Federal Bankruptcy Court in PR; US District Court for the District of PR; US First Circuit Court of Appeals; the Supreme Court of the US; US Nuclear Regulatory Commission, etc.) In one case the Supreme Court of PR ruled *per curiam* in my favor: **Jose Ramón Ortiz, et al v. Gonzalo Fernós-López**, 104 DPR 851 (1976). In that case one of the appellees was the President of the Bar Association of PR. Another *per curiam* decision in my favor was at the US First Court of Appeals: **Gonzalo Fernós López v. US District Court for the District of PR**, No. 77-1331, resolved on June 14, 1979. Among my appearances in administrative forums I presented before the US

¹The US/PR agreement subscribed in 1952 is referred to as "compact". However, since in the view of this witness it has been supposed a serious, solemn agreement, I will refer herein as the "covenant".

Nuclear Regulatory Commission (NRC) the case of **Citizens for the Conservation of Natural Resources, Inc. v. PR Electric Power Company (PRWRA)** to prevent the construction of two nuclear plants in Puerto Rico. CCNR's position prevailed before the NRC and no nuclear plant was ever built in PR. The undersigned has not had any Federal grants or contracts during the current two fiscal years or prior to therefore.

Your Honor, the undersigned feels chagrined to raise an objection to Your Honor's reserved right to place any witness under oath, yet an objection must be raised. This hearing does not have the connotation of a congressional investigation about wrongdoings or any other fraudulent action, in which case the swearing of witnesses would have been in line. All witnesses do come here voluntarily to express the political ideology of his/her preference and to substantiate their beliefs. Thus, Your Honor's announcement of the possibility of placing any witness under oath may imply a subtle intimidation, inadvertently abridging individual rights to freedom of speech guaranteed by the First Amendment of the US Constitution. However, if Your Honor wishes to place me under oath, I have no objection whatsoever and there is no need to have me accompanied by counsel.

HISTORICAL BACKGROUND:

The validity of the Treaty of Paris to which is referred in the Bill has been challenged as far as the U.S. First Circuit Court of Appeals on the grounds that PR was a sovereign nation by virtue of the Autonomic Charter granted to PR by Spain to PR. Article 2 of the Charter provided that it could not be modified except upon petition of the insular chamber of PR.² Although the Federal Court of Appeals has sustained the validity of the Treaty,³ the controversy, however, has never been raised before the US Supreme Court nor to the International Court of The Hague for a final ruling. Notwithstanding the supposition that the USA would have ignored other previous decisions by said Court, the issue is brought before this Committee in hopes, not of rehashing what has been taken for granted for almost one century, but making a plea to the members of this Committee and to US Congressmen in general, many of whom are not well versed with PR history, to bend over backwards as much as deemed necessary to become fully cognizant of the human rights of the Puerto Rican community and to assume a positive attitude so that justice be well served for the prestige of the USA in the eyes of the World.

As an illustration let us assume that Almighty God has granted the Puerto Rican community the power to reenact historical events and to change the course of history since the day the US declared war on Spain (April 25, 1898). We would find ourselves confronted by an open letter dated July 28, 1898, to the nearly one million inhabitants of Puerto Rico and signed by Major-General Nelson A. Miles, Commanding Officer of the U.S. Army stationed on the Island and with headquarters at Ponce. The letter in fact is real, not fictitious, and it states, *inter alia*:

In the prosecution of the war against the Kingdom of Spain by the people of the United States **in the cause of liberty, justice, and humanity**, its military forces have come to occupy the island of Puerto Rico. **They come bearing the banner of freedom, inspired by a noble purpose** to seek the enemy of our country and yours. (emphasis mine).

²Ruiz Alicea v. United States 180 F.2d 870 (1950) and United States v. Valentine, 288 F.Supp. 975 (1968)

³ibid.

We would have then told General Miles "we do not doubt the sincerity of your expressions in carrying on a **'noble purpose.'** However, you may tell your government that we are just beginning to enjoy our sovereignty as a nation by virtue of the Autonomic Charter of 1897 granted to us by that allegedly common enemy to which you refer in your letter. Since you are bound to make valid your 'honest' intentions expressed therein, please tell your Commander in Chief, President McKinley, to respect the terms of freedom already granted in our Autonomic Charter, in spite of the Treaty of Paris, to which the US is about to subscribe with Spain (said Charter being ignored by the latter). We would then have consented to the transferral of our free association status with Spain to the United States. Consequently, **the US would have shown the World thereafter that your intentions were honestly inspired by a truly 'noble purpose' in pursuing 'the cause of liberty, justice, and humanity'.**"

If we really had had the heavenly power to persuade General Miles and President McKinley to change the course of history, the covenant that the US granted PR in 1952 would have occurred half a century earlier, and had it not been for President McKinley's sudden death on September 14, 1901, we would have been spared from the rigid and twisted interpretation that this Committee is giving today to the covenant of 1952. Also, the US would have dispensed itself from the shameful sham and contradiction in which it has been incurring since 1953 by alleging at that time before the UN Decolonization Committee that said covenant granted PR autonomy and self-government while denying 44 years later (today) that a covenant between the US and PR ever existed.

The US declared war on Spain on July 25, 1898, subsequently invaded the Island and **during the first two years after the invasion established a military government with no civil rights for our people.** Until July 3, 1952, the US has gradually been liberating its domain over Puerto Rico and partially relinquishing its sovereignty over the Island. The congressional enactment of the First Organic Act of Puerto Rico (the Foraker Act) of May 1, 1900 initiated that transition from a strong military government to an eventual self-government in 1952. **Under the Foraker Act, however, there were no civil rights, except for the writ of habeas corpus, while the US Congress retained its discretionary power to annul any law approved by the legislative assembly of Puerto Rico.** As is well known, the Organic Act of March 2, 1917, (Jones Act) further amended the relationship and declared citizens of the United States all natives of Puerto Rico with domicile on the Island who were not citizens of any other country, unless within six months from that date the person declared under sworn statement before the US District Court for the District of Puerto Rico his/her intention not to become a citizen of the United States. As US citizens, Puerto Ricans were drafted to serve in World War I, World War II, Korea, Vietnam, and the Gulf War. During those five wars, particularly World War II, Korea, and Vietnam, many thousand Puerto Ricans sacrificed their lives for the defense of democracy and capitalism. In 1947, under President Truman, the US Congress granted PR the right to elect its own governor who was empowered also to appoint his own cabinet and all members of the judiciary with the consent of the Senate. That was a major step toward self-government but not enough, however, to completely decolonize the island.

Thus, on July 3, 1950, the US Congress approved Public Law 600 to provide for a Constitutional Government by the people of Puerto Rico. Public Law 600 also repealed 37 of the 57 sections of the Jones Act and partially repealed three other sections; and from 1954 to 1961 at least seven important sections of the Federal Relations Act were amended, thereby further loosening some of the most stringent controls the US Congress has had over Puerto Rico's status, amongst which I quote: 1. Amendment of Section 1332 (b) of Title 28 USC so that Puerto Rico could be treated as a state for the purpose of federal jurisdiction based on diversity of citizenship; 2. Public Law 85-894 conformed Section 314

(b) of Title 32 USC to the new political status of Puerto Rico, by providing that the Adjutant General of Puerto Rico be appointed by the Governor; 3. Section 3 of the Puerto Rican Federal Relations Act was amended to delete the debt limitation provisions; 4. Title 28 USC, Sec. 1293 was repealed eliminating the right to appeal from the Supreme Court of PR to the US Court of Appeals for the First Circuit and in lieu provided that final judgments entered by the Supreme Court of PR be reviewed by the Supreme Court of the US; 5. Sections 7 and 8 of the Jones Act were modified to extend Puerto Rico's control over navigable bodies of water and submerged lands; 6. Amended Section 7652 of the Internal Revenue Code of 1954, relates to shipments to the United States; 7. Public Law 98-563 permits the transportation of passengers between Puerto Rico and other ports of the United States on foreign flag vessels when United States flag service for such transportation is not available.

By Resolution 23 of February 4, 1952, the Constitutional Convention of Puerto Rico approved in plenary session a Constitution for the Commonwealth of Puerto Rico within the terms of the irrevocable covenant into which Puerto Rico had entered with the United States. On March 3, 1952 the people of Puerto Rico held a referendum adopting said Constitution. On July 3, 1952, the US Congress enacted Public Law 447 stating that the US Congress Act of July 3, 1950, (Public Law 600) "**was adopted by the Congress as a compact with the People of Puerto Rico...**" It is to be noted also that the aforementioned Resolution 23 was submitted as a Final Declaration from the Constitutional Convention of Puerto Rico to the President of the United States, the President of the US Senate and the Speaker of the US House of Representatives, none of whom thereafter, upon receiving said Resolution, ever disapproved partially nor totally of the content of same nor in any other way expressed or hinted at their dislike thereof. On the contrary, the US Ambassador to the UN presented that same Resolution to the UN General Assembly to reinforce his thesis that PR under the 1952 covenant had attained full self-government. Resolution 23 states, *inter alia*:

(b) When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized in a **commonwealth established within the terms of the compact entered into mutual consent, which is the basis of our union with the United States of America.**

(d) Thus **we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact**, and we enter into an era of new developments in democratic civilization. Nothing can surpass in political dignity the principle of mutual consent and of compact freely agreed upon. The spirit of the people of Puerto Rico is free for great undertakings, now and in the future. Having full political dignity the commonwealth of Puerto Rico may develop in other ways by modifications of the Compact through mutual consent.

(e) The people of Puerto Rico reserves the right to propose and accept modifications in the term of its relations with the United States of America, in order that **these relations may at all times be the expression of an agreement freely entered into** between the people of Puerto Rico and the United States of America." (emphasis mine)

At the request of US Ambassador to the UN, Cabot Lodge, the UN General Assembly in plenary session on November 27, 1953, approved Resolution 748 (VIII) authorizing the cessation [by the US] of the transmission of yearly information to the UN under Article 73e of the UN Charter.

It has become self-evident that the long, distressing way through which Puerto Rico has gone to attain self-government has not been the results of an open-arms attitude of the US Congress toward Puerto Rico. Nor was it a spontaneous fiat of the US Congress. It has been the consequence and by-product of the signs of the times, of a world shrunk by advancing technology. It has been the consequence of a world crying out for DECOLONIZATION. It has been the result of the UN's constant tackling the process of liquidation of the extant colonial systems in this convulsive World, resulting in the creation of either independent nations or free associated states, i.e., the Commonwealth status attained by Puerto Rico in 1952 from a former dependent territory obtained by the USA as a spoil of war. Chapter XI of the UN Charter embodies in Article 73 what were essentially the terms of Article 73, which in turn essentially embodies the terms of Article 22 of the League of Nations Covenant, intended to promote the development of self-government according to international law. Article 73 of the UN Charter, however, was not enacted promptly and without resistance.

The process of liquidation of the colonial systems in the World came to be recognized gradually and only after resistance by world superpowers. In 1942 Winston Churchill stated: "I did not become British Prime Minister in order to preside over the liquidation of the British Empire."⁴ Yet, the pressure exercised by new emerging nations as UN members compelled that liquidation to take place. Unfortunately, the USA superpower is among those few remaining imperial nations that still seem to resist liquidating its empire completely, perhaps because of the prevailing obsolete notions in the US Congress. On December 14, 1960, **the UN General Assembly adopted a Declaration on the Granting of Independence to Colonial Countries.** The Declaration was carried by 89 votes for, nobody against, and 9 abstentions, including the USA. On November 27, 1961, by Resolution 1654 the UN General Assembly debated the problem of the realization of the terms of the Declaration and passed further resolutions calling for complete World decolonization. On November 2, 1972, the UN General Assembly carried by 99 affirmative and 5 negative votes, the latter including the USA, a resolution asserting that the further retention of colonialism constituted a threat to world peace and security. Consequently, on December 12, 1980, the UN General Assembly adopted an **Action Plan for the Full Elimination of Colonialism.**

PUBLIC LAW 447 VS. US HOUSE BILL H.R. 856 (AN AMBIVALENT USA POSITION).

The ambivalent position adopted by the USA with regard to Puerto Rico is very significant to us Commonwealth advocates. On the one hand the US Congress approved of Public Law 447 of 1952, which recognized the existence of an irrevocable bilateral covenant between the USA and Puerto Rico and the next year the US went to the UN to proclaim that PR had attained self-government, thereafter and until this day reaffirming the self-governing status of PR before the US. On the other hand, House Bill H.R. 856 now under consideration asserts that PR is still a USA colony subject to the plenary power of the US Congress under the Territorial Clause of the US Constitution, Article IV, Section 3, Clause 2. Certainly both contradictory positions cannot validly be sustained simultaneously in any forum under the sun. Therefore, the US Congress and the President of the USA have a moral obligation in the eyes of the World to clarify once and for all its ambivalent position herein referred with regard to the Public Law 447 versus House Bill H.R. 856. This hearing offers a momentous opportunity to effect that clarification which is long overdue, rehabilitating thus the moral prestige of this Great Nation in the eyes of the World.

⁴Quote as published in TIME magazine of November 11, 1942.

If I may, I would like to reaffirm for the record that the 1952 covenant into which the US entered with PR and furtheron proclaimed at the UN as a decolonized process, within the concepts of international law it has had the effect of a final disposition of our previous territorial condition as an unincorporated possession of the USA. We understand that the irrevocable bilateral covenant by mutual consent between the USA and PR in 1952 did not annul the Puerto Rican Federal Relations Act. The USA wanted and needed to maintain a certain amount of control over PR to protect its interests on the island and to oversee the fulfillment of the covenant. At the same time it did grant us complete internal sovereignty while retaining external sovereignty⁵ within the power of the US Congress. With the passage of time (45 years), however, the USA has had sufficient time to become aware of our loyalty as USA citizens and consequently should have by now relinquished most of the controls which the US Congress unnecessarily exercises over Puerto Rico. My personal view about why the US Congress does not want to loosen those controls over Puerto Rico is founded on the self-evident historical behavior of US Congressmen, individually and collectively, and their imperialistic attitude toward continuing to control many facets of our public life while preventing us from pursuing happiness by other means which are not necessarily theirs.

MONITORING THE PLEBISCITE PROCESS:

I emphatically suggest that the US Congress, in concurrence with the three Puerto Rican political parties, request the UN to send a mission to monitor the plebiscite process sponsored by the US Congress and be instituted by the Electoral Commission of PR.

US SUPREME COURT DECISIONS DO NOT CLARIFY PR COMMONWEALTH STATUS:

The cases brought before the US Supreme Court were not centered on our political status. The power of the Commonwealth versus the Congressional powers under the Territorial Clause of the US Constitution was raised as a marginal issue, not a central one. Thus, it is deemed necessary that the Popular Democratic Party and/or individual populares, through a class action, request a ruling from the US Supreme Court to decide what is our real political status: is it what Ambassador Henry Cabot Lodge told the UN General Assembly in 1953 or is it what H.R. Bill 856 now under consideration claims? Until such ruling is made, this Congressional Committee either must accept the New Commonwealth definition submitted by the Popular Democratic Party or else wait to continue these proceedings until a final decision is made either by the US Supreme Court, the United Nations Committee on Decolonization, or the International Court of The Hague, if we decide to invoke all these jurisdictions.

It is to be noted that the US Supreme Court decisions in which Puerto Rico's political status has been marginally raised have been inconsistent because of the nature of the central issue raised before that forum. For example: in *Harris v. Rosario*, 446 US 651 (1981) it was marginally held that PR is a territory subject to the powers of Congress under Territorial Clause of the US Constitution. However, in the *per curiam* opinion, citing *Califano v. Torres*, 435 US 1 (1978), it was held that Congress was empowered to treat PR differently than a state. The central issue in *Harris*, *supra*, is not in doubt; since PR does not contribute to the US Treasury with Federal income tax, we are not entitled to equal share in granting aid to families with dependent children. The decision, however, was accompanied by a strong dissenting opinion from Justice Marshall, who pointed out that the lower court had found that the plaintiffs, all US citizens, were being

⁵ Internal and external sovereignty are terms we world-governmentalists use to differentiate national sovereignty from the need of an external sovereignty vested in a world governing body.

discriminated against "solely on the basis of their residence." On the other hand, in **Calero Toledo v. Pearson Yacht Leasing Co.**, 416 US 663 (1974), the US High Court decided that PR is deemed to be sovereign over matters not ruled by the US Constitution. **Examining Board v. Flores de Otero**, 426 US 572 (1972), states that "We readily concede that Puerto Rico occupies a relationship to the United States that has no parallel in our history..." and further on quoting from 1953 US Court of Appeals, it states:

Puerto Rico has thus not become a state in the federal union like the 48 states, but it would seem to have become a state within a common and accepted meaning of the word...It is a political entity created by the act and with the consent of the people of Puerto Rico and joined in union with the United States of America under the terms of the compact.

There are many other important US decisions that contradict Bill H.R. 856 position, stating that PR is still an unincorporated territory subject to the plenary powers of the US Congress under the Territorial Clause. e.g. **United States v. Quinones**, 758 f.2d 40, 1st Cir. (1985). Thus, in 1952, Puerto Rico ceased being a territory subject to the plenary powers of Congress." For lack of space, I cannot quote them all (this paper has been limited to 12 pages). Nonetheless, what I wish to stress is that the US Supreme Court's ambivalent decisions have not clarified PR political status. Thus, a ruling on that central subject is long overdue. Perhaps this Congressional Committee, enjoined by the three political parties of PR, may agree to raise the issue before that forum and not proceed any further until a High Court decision is reached.

ORIGIN AND INTERPRETATION OF THE TERRITORIAL CLAUSE OF THE US CONSTITUTION:

Throughout Bill H.R. 856 the Territorial Clause of the U.S. Constitution,⁶ Art. IV, Sec. 3, Clause 2, is stretched out of proportion. It is necessary, thus, to examine the cause and origin of that Territorial Clause. During the debate of the Federal Convention way back in August, 1787, Madison, Johnson, Gouverneur Morris, Butler, Mason, Sherman, Langdon, Williamson, Dickinson, Martin, and Wilson were discussing the problems arisen by the claiming of western lands by the large states, necessary for the establishment of new states of equal rank within their limits of the western territory. It was debated that there were claims of the United States itself and other individual states for such a vast territory, some of which was leased to the Indians. At the time the western territory was the only concern of the Constitutional Convention. The legislature (the U.S. Congress) did not dream then that the United States would become a vast empire resulting from the purchase, invasion obtained as a spoil of war, or annexation of territories from Mexico populated by American citizens. It was then that Governor Morris moved to include the Territorial Clause which originally stated:

The legislature shall have the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this

⁶ Members of this committee seem to interpret the US Constitution inflexibly when compared to Thomas Jefferson, who had an opposing view: "some men look at constitutions with sanctimonious reverence, and deemed them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. . . but I know also that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Constitution contained shall be so construed as to prejudice any claim, either of the United States or of any particular state.

The Morris Territorial Clause was approved almost verbatim, except for minor punctuation changes and substituting "legislature" by "**The Congress**." Thus, when the US expanded its territory beyond its eastern and western oceanic boundaries, it was due time to repeal the Constitutional Territorial Clause so as to limit or relinquish Congressional Power from domination over our people of deep rooted Hispanic heritage and culture, in existence two centuries before the US was born. Nonetheless, since the US Congress firmly adhered to the letter of the Territorial Clause, in the same token it should adhere also to the letter of the Seventh Amendment⁷ to the US Constitution or have them both repealed. The latter, however, has been since become inoperative. We Puerto Ricans do expect the US Congress to put to sleep the dream of a just Territorial Clause and open itself to the signs of the time of the new millennium, fulfilling to the utmost its commitment under Chapter XI, Article 73e of the UN Charter regarding the self-determination and complete decolonization of Puerto Rico. If there is any doubt that the US and PR did not enter an irrevocable compact in 1952, as claimed throughout Bill H.R. 856, please reexamine the Congressional Record or give us the opportunity to raise the issue before the US Supreme Court.

I submit that the US Congress exercised its power "**to dispose of**"⁸ the territory of Puerto Rico with the creation of our Commonwealth status by enacting Public Law 600 of July 3, 1950 to provide for a Constitutional Self-Government by the People of Puerto Rico on March 3, 1952, and by ratifying the existence of a bilateral compact when approving the Constitution of the Commonwealth of Puerto Rico by Public Law 447 of July 3, 1952. "which was adopted by the Congress as a compact with the people of Puerto Rico." Webster's new World Dictionary of the American Language defines "dispose of" as : 1.to deal with conclusively; settle; 2.to give away or sell; and 3. to get rid of." It seems, therefore, that in 1953 the US Congress dealt conclusively with the political status of PR.

On the other hand, while the US Government has been telling the UN Committee on Decolonization since 1953 that PR has developed self-government and thus is no longer a colony of the US while this Bill concurrently claims full power over our territory, such contradictions constitute a shameful sham perpetrated by the US Government which has been sustained only by the undue power that the U.S. exercises over the UN. The Federal Relations Act is like a knife piercing the heart of the Commonwealth of Puerto Rico. It should be repealed except for those sanctions dealing with common defense, common market, and common currency, that is, sections that guarantee the irrevocability of the bilateral covenant between US and PR.

One must recognize, however, that the US Congress has not been completely oblivious of the necessity of getting rid of many controls over PR which are incompatible with the concept of self-government and self-determination. In this respect concessions by the US Congress to PR have been made evident by the repeal of 37 of the original 57 Sections of the Jones Act of 1917, and by partially repealing 2 additional Sections of the

⁷Article VII--In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to the rule of the common law."

⁸The US Supreme Court ruling in *United States v. Gratiot*, 39 US 526 (1840) sustained the validity of a lease as a way for Congress "**to dispose of**" US land, saying: "the disposal must be left to the discretion of Congress." In the same token, we sustain today that the US Congress validly "**disposed of**" the unincorporated territory of PR through the enactment of laws that created our autonomous, sovereign self-governing status of the Commonwealth of Puerto Rico in 1952.

original Federal Relations dispositions contained in the Jones Act. What is appropriate now under the New Commonwealth concept is for the US to continue relinquishing its power over the People of Puerto Rico except for those necessary to preserve common US/PR interests. Consequently, the definition, the COMMONWEALTH status as spelled out on pages 10 and 11 of the Bill is unacceptable to us Commonwealth advocates. I propose substituting the Bill's definition with the following:

PROPOSED SUBSTITUTE DEFINITION OF THE NEW COMMONWEALTH:

A. The New COMMONWEALTH -- If you agree, mark here _____ .

The US Congress shall revalidate the covenant entered between the United States and Puerto Rico pursuant to the US Public Law 447 of July 3, 1952 and previous Public Law 600 of July 3, 1950; it shall also respect the UN Resolution 748 (VIII) of 1953 which recognizes that Puerto Rico has exercised its right to self-determination and that it has been vested with the attributes of political sovereignty, which is the only reason why the US ceased transmitting yearly information to the UN Decolonization Committee under Article 73 (e).

(1) Puerto Rico shall continue to develop the present Commonwealth status with the unabated approval of the US Congress until it attains full self-government within the existing bilateral covenant into which it irrevocably entered with the United States;

(2) Fundamental provisions of the United States Constitution apply to Puerto Rico. With regard to Federal Laws, only those determined by mutual agreement between the US Congress and the PR Legislature shall apply to Puerto Rico;

(3) Puerto Rico shall remain a fully self-governing, autonomous, unincorporated territory bound to the United States by virtue of the irrevocable covenant of 1952;

(4) Continuation, modification, and/or repeal of current Federal Law and Policy applicable to Puerto Rico shall be negotiated between the US Congress and the Government of Puerto Rico;

(5) With the consent of the People of Puerto and through a process authorized by Congress, the ultimate status of Puerto Rico, which guarantees full self-determination, shall be determined in one single referendum, in which the winning formula shall be decided by simple majority.

The above-stated definition is presented only because it follows the format of the Commonwealth definition contained in Bill H.R. 856. It obviously differs from the Bill's definition, however, in underscoring the true relationship created between the US and PR pursuant to our mutually irrevocable, binding covenant of 1952. I have not the least intention to supersede the excellent definition included in page 8 in the brilliant presentation of the president of our party, the Hon. Aníbal Acevedo Vilá, contained in his superb statement of March 19, 1997, before this Committee at the hearing held in Washington D.C. By the way, Your Honor did not have the courtesy to stay at that hearing to be reminded of and confronted with the astounding truth that Your Honor, Chairman Young, and Co-sponsor of Bill H.R. 856, Congressman Miller, as members of the House Subcommittee of Insular Affairs, successfully steered through the 101th Congress Bill H.R. 4765, which on October 10, 1990, was carried unanimously by the full House. Said Bill refers to the definition of a New Commonwealth, which definition was presented verbatim by Mr. Acevedo Vilá. Your Honor's inopportune desertion of the Committee chairmanship

of the Committee by leaving in charge the non-voting House member, the Hon. Carlos Romero-Barceló, the staunchest defender of statehood and a longtime archenemy of the Commonwealth status, was not only an insult to the people of Puerto Rico but was as well an open display of Your Honor's bias against Commonwealth. We do hope, however, that Your Honor has since then had the time to reflect upon his biased attitude and during the course of this hearing will thus openly redress the insult incurred against the Popular Democratic Party and its 900,000 rank and file members.

With regard with my definition of the New Commonwealth, the rationale behind the proposition submitted for deciding the winning formula by a simple majority is that by no other conceivable means are any of the three formulae going to obtain an absolute majority, that is, more than 50% of the votes cast. I am proposing one single plebiscite or referendum. The US Congress should be determined to resolve our political status once and for all in order to avoid confrontation before the UN and/or The International Court of the Hague. Continuing to procrastinate on the ultimate solution of our status problem is compounded by the confrontation that continuing to hold us at bay for nearly one century entails. The adverse effect that holding off solving our status problem is going to reflect against the US in the eyes of the World. Of course, the US Congress would doubtlessly be open to considering other workable alternatives with the consent of the three political parties.

PROPOSITION TO SATISFY THE THREE STATUS FORMULAE

The geographical solution to our status dilemma proposed below may sound absurd, yet it is compatible with the Report of the 1964 of the United States--Puerto Rico Commission on the Status of Puerto Rico (US Congress Public Law 88-271) which states, *inter alia*:

The Commission's major conclusion is that all three forms of political status--the Commonwealth, Statehood, and Independence--are valid and confer upon the people of Puerto Rico equal dignity with equality of status and of national citizenship.

A Bill granting each formula, in proportion to the number of votes cast for each one, a relative portion of the Island territory would simultaneously establish a Republic, a New Commonwealth, and a State of the Union in one single congressional enactment. The not-so-simple task of establishing territorial boundaries for each of the three autonomous entities would be resolved no doubt by a committee designated by the UN. Treaties would be signed in which all three entities agree to develop their respective economy and cultural growth without encroaching upon each other's domain.

While this geopolitical solution may be absurd, it could be most feasibly implemented **conceptually** through the *sui generis* New Commonwealth formula, which all in one includes most of the advantages of all three political formulas for Puerto Rico but very few of their disadvantages. Under the New Commonwealth, Puerto Rico would be in a unique position as a geopolitical showcase for the twenty first century.

VOTING RIGHTS IN THE PLEBISCITE:

Now I must address the issue of who should have the right to vote in a plebiscite (referenda, as referred to in the Bill). Naturally, there must be a period of organizing the process by the Electoral Commission of Puerto Rico and for propaganda by the three political parties. The costs of the plebiscite process and keeping the people informed about the process and what each status formula implies should be born by the US Congress, who took it upon itself to facilitate this process. Now we turn to who should be vested with the right to vote in the plebiscite:

- 1.--Bonafide Puerto Rican/US citizens with domicile in Puerto Rico.
- 2.--Bonafide Puerto Rican citizens with domicile on the Island.
- 3.--Bonafide Puerto Rican - US citizens and their first generation descendants living abroad, by exercising their vote through absentee ballot.
- 4.--Foreigners with domicile in Puerto Rico.

During the hearing of March 19, 1997 it was erroneously argued that Puerto Rican US citizens living abroad should not be entitled to vote in the plebiscite allegedly because by having their domicile abroad they were not affected by the status of the island. This is not true. According to the US Census Bureau there is a continuous flow of transient Puerto Ricans without definite domicile commuting back and forth from PR to the mainland and other countries. Furthermore, many Puerto Ricans with domiciles abroad, when reaching retirement age, return to the Island to establish their permanent domicile permanently here (PR), and if they are not allowed to participate in the plebiscite, their rights will be thwarted. On the other hand, if Puerto Ricans with domicile on the mainland US or in foreign countries were not allowed to vote, by the same token, foreigners with domicile in Puerto Rico should not be allowed to vote either.

THE LANGUAGE ISSUE:

Puerto Rico has indubitably a deep-rooted Hispanic heritage that preceded by two centuries the foundation of the USA by the 13 English colonies. Thus, our culture is centered around the Spanish language, the mother tongue of we Puerto Ricans and our ancestors. Nearly 100 years of USA domain over the Island and several attempts to override Spanish and to have it substituted by English have encountered failure. Let us face it: our Hispanic culture came here to stay and will continue to do so by means of expression of our folklore, visual arts, literature, poetry, and other forms of art. Spanish will be our central vehicle of communication ad infinitum, unless the nearly four million inhabitants of PR are gradually displaced by North American, mainland US citizens. Our cultural heritage, however, does not preclude the general recognition of the advantages of learning English as a second language. The Hon. Gerald Solomon, Chairman of the House Rules Committee and member of the Committee on Resources, may have the best intentions toward the common good of the Puerto Rican community. Yet, in the event that he attempts to propose an amendment to Bill H.R. 856 to reintroduce his stand last year to read that under statehood English will be the Island's one and only official language and the language of instruction in public schools, he will be doing a disservice to the US Congress and be enormously disrespectful toward Puerto Rico and its rich Hispanic heritage. If such a possibility occurs, it would be an unprecedented imposition against the language policy adopted by the US Congress since 1882, when Louisiana state was admitted into the Union. At that time, the US Congress did nothing to oblige or insinuate to Louisiana that it must renounce its French language and cultural heritage, nor did it impose English as the teaching vehicle of public school education as a prerequisite for entering the Union. The Second Amendment of the Louisiana Constitution of 1845 states, *inter alia*:

The Secretary of the Senate and clerk of the House of Representatives shall be conversant with the French and English languages, and members may address either house in the French and English languages....The Constitution and laws of this state shall be promulgated in the English and French languages.

The Seventh Amendment of the Louisiana Constitution of 1879, Art. 226, states, *inter alia*:

the general exercise in the public schools shall be conducted in the English language and the elementary branches taught therein;

provided that these elementary branches may be also taught in the French language in those parishes in the State or localities where the French language predominates. (emphasis mine)

With regard to the English-only issue Charles Levendosky, editorial page editor for the Casper, Wyo. *Star-Tribune*, stated in an editorial of August, 1996, *inter alia*:

Our elected representatives ignored America's early history. The Articles of Confederation were printed in both English and German because of the large German-speaking populations in the newly formed states. This English-only bill would not have allowed such an accommodation for its constituents.

So, Hon. Gerald Solomon, a xenophobic English-only amendment to H.R. 856 not only can be self-defeating but totally unnecessary. The US Census Bureau estimates that by the year 2000, a large majority of all young adults and other productive adult populations in the mainland US and its territories will be able to speak and write English well or very well.

UNITED STATES CITIZENSHIP:

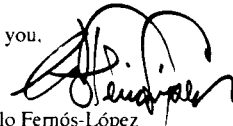
Whether obtained by birth, marriage, Congressional fiat and/or naturalization, once it is possessed, the only way to lose US citizenship is to renounce it. Domicile is immaterial. One could be living on the moon, but once a US citizen, it becomes a lifetime right, regardless of which valid means used to attain it. Thus the implication throughout the Bill that only through statehood is US citizenship irrevocable seems to be a scare tactic and a biased insinuation to influence plebiscite voters toward statehood. Those subliminal tactics should be discarded without any further ado.

FINAL STATEMENT:

House Bill H.R. 856's definition of commonwealth versus the Popular Democratic Party's definition of the New Commonwealth has been the center of a seemingly irreconcilable controversy which most likely will prevent the United States-Puerto Rico Status Act from being carried by both Congressional Chambers and also be acceptable to the people of Puerto Rico. Therefore, unless the US House Committee on Resources yields to the definition propounded by the Popular Democratic Party, with or without a few inconsequential amendments, the Bill will remain at a standstill. I believe, hence, that it is unnecessary to continue bickering and wasting US taxpayer's money in a futile attempt to legislate while this Committee refuses to accommodate the aspirations of us, the New Commonwealth advocates. Since there seems to be an impasse with no solution in sight, either the US House Committee on Resources should seek an impartial forum to arbitrate the controversy before moving ahead or realize that there is no other way in sight but yield to accept the PPD definition of the New Commonwealth.

I have no further statement to make except to consign my appreciation to Your Honor, Mr. Chairman Don Young, and to all other distinguished members of this Committee for granting me the opportunity to appear before these honorable people to express my ideas about the Bill now under consideration.

Thank you,



Gonzalo Fernós-López

Mr. YOUNG. Angel Ortiz-Guzman.

STATEMENT OF ANGEL J. ORTIZ-GUZMAN

Mr. ORTIZ-GUZMAN. Good afternoon, members of the Committee. My name is Angel Ortiz-Guzman, and I testify on behalf of a new generation of Puerto Ricans who firmly believe in the sovereignty of Puerto Rico in association with the United States through the status known as Free Association.

I would like to suggest a definition of Free Association that will help this Committee to achieve the goal of H.R. 856 of decolonizing and disposing of the Territory of Puerto Rico.

It is time for Congress to act honestly in this matter. Congress must offer status options valid under international law. Those options are statehood, independence and Free Association, which you may call a free associated state. It is my judgment that an option of Free Association according to international law must be included in H.R. 856 if Congress really wants to decolonize Puerto Rico.

In that sense, I suggest the following: There must be a final disposition of congressional powers over Puerto Rico. Congress must dispose in a final and irrevocable manner of any and all remaining power or authority over Puerto Rico under the terms of Article IV, section 3, of the United States Constitution.

It is necessary to clarify the nature of the association between Puerto Rico and the United States. The options of Free Association and independence should be separated and have their own definitions.

A Free Associated State must be defined as a sovereign nation in full free association with the United States by means of a bilateral compact which can only be amended by mutual agreement.

The Free Associated State option must be sovereign, clearly outside the territorial clause, with full authority and responsibility for its internal and external affairs. The name of the option is not important, but the substance is.

It is necessary that Congress recognize the full power of Puerto Rico's government with respect to its territory and population, language and culture, determining its own relations and participation in the community of nations and exercising all the attributes of a sovereign political entity, except those especially delegated to the Government of the United States in the text of the bilateral compact.

Congress shall recognize Puerto Rico's power to determine and control its own nationality and citizenship.

Congress shall recognize, as it did in the Compact of Free Association of 1986 with the Marshall Islands, that a United States citizen who becomes a citizen of the Free Associated State of Puerto Rico and who does not voluntarily renounce his United States citizenship will retain his United States citizenship and continue entitled to the same rights and privileges as any other United States citizen.

Congress must guarantee that the terms of the bilateral Compact of the Free Associated State can only be determined or amended by mutual agreement and that the people of Puerto Rico will give their consent or agreement in accordance with the terms of the compact and the applicable constitutional process.

Congress shall recognize Puerto Rico's eligibility for United States assistance to be provided in a block grant government-to-government basis, including foreign aid or programmatic assistance, at a level similar, but never superior, to the present ones.

I also suggest that in the event none of the three options get a majority by itself but the sum of the votes for Puerto Rican sovereignty options—Free Association and Independence—does produce a majority, the process to decolonize and to dispose of the Territory of Puerto Rico may go forward.

Finally, I urge this Committee to strike out the present Commonwealth definition included in H.R. 856 and offer a sovereign Free Associate State or Commonwealth in full free association by means of a bilateral compact between the United States and Puerto Rico.

In considering our suggestions, we invite this Committee to study a series of amendments drafted by PROELA, an organization in which I am vice president, that will comply with the applicable criteria for Free Association and self-determination.

Members of this Committee, there are answers to colonialism. The United States and the people of Puerto Rico deserve an opportunity to choose between non-colonial and non-territorial options in their referendum scheduled for 1998. It only takes the will to do it.

Thank you.

Mr. YOUNG. Thank you.

[The prepared statement of Mr. Ortiz-Guzman follows:]

ANGEL J. ORTIZ GUZMAN
Abogado Notario

J. Box 1677
Mayaguez, P.R. 00970

Tel. (787) 287-0503
(787) 402-2377
Unidad 990-2894

STATEMENT OF ANGEL J. ORTIZ-GUZMAN, ESQ.
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES,
REGARDING
H.R. 856 THE UNITED STATES-PUERTO RICO STATUS ACT

April 21, 1997
Mayaguez, Puerto Rico

I testify on behalf of a new generation of Puerto Ricans who firmly believe in the sovereignty of Puerto Rico in association with the United States through the status known as free association.

I would like to suggest a definition of free association that will help this Committee to achieve the goal of H.R. 856 of decolonizing and disposing the territory of Puerto Rico.

It is time for Congress to act honestly in this matter. Congress must offer status options valid under International Law. Those options are statehood, independence and free association, which you may call Free Associated State.

It is my judgment that an option of free association, according to International Law, must be included in H.R. 856 if Congress really wants to decolonize Puerto Rico. In that sense, I suggest the following:

1. There must be a final disposition of Congressional powers over Puerto Rico. Congress must dispose, in a final and irrevocable manner, of any and all remaining powers or authority over Puerto Rico under the terms of Article IV, section 3 of the United States Constitution.

2. It is necessary to clarify the nature of the association between Puerto Rico and the United States. The options of free association and independence should be separated and have their own definition.

3. Free Associated State must be defined as a sovereign nation in full free association with the United States, by means of a bilateral compact which can only be amended by mutual agreement.

4. The Commonwealth or Free Associated State option must be sovereign, clearly outside the Territorial Clause, with full authority and responsibility for its internal and external affairs. The name of the options is not important, but the substance is.

5. It is necessary that Congress recognize the full power of Puerto Rico's government with respect to its territory and population, language and culture, determining its own relations and participation in the community of nations, and exercising all the attributes of sovereign political entity, except those especially delegated to the Government of the United States in the text of the bilateral compact.

6. Congress shall recognize Puerto Rico's power to determine and control its own nationality and citizenship.

7. Congress shall recognize as it did in the Compacts of Free Association of 1986, that a United States citizen who becomes a citizen of the Free Associated State of Puerto Rico and who does not voluntarily renounce his United States citizenship, would retain his United States citizenship and continue entitled to the same rights and privileges as any other United States citizen.

8. Congress must guarantee that the terms of the bilateral compact of the Free Associated State can only be terminated or amended by mutual agreement and that the people of Puerto Rico will give their consent or agreement in accordance with the terms of the compact and the applicable constitutional processes.

9. Under the new association Puerto Rico shall continue with a free flow of citizens, articles, services and capital between Puerto Rico and the United States.

10. Congress shall recognize Puerto Rico's eligibility for United States assistance to be provided in a block grant government to government basis, including foreign aid or programmatic assistance, at levels similar, but never superior to the present ones.

I also suggest, that in the event none of the three options gets a majority by itself, but the sum of the votes for Puerto

Rican sovereignty options (free association and independence) does produce a majority the process to decolonize and to dispose the territory of Puerto Rico may go forward.

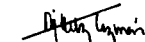
No later than one hundred and eightieth calendar days (180) beginning after the day of the official certification of results, Congress shall introduce legislation to resolve the status dilemma of Puerto Rico.

Finally, I urge the Committee to strike out the present Commonwealth's definition included in H.R. 856, and offer a sovereign Free Associate State or Commonwealth in full free association by means of bilateral compact between the United States and Puerto Rico.

In considering our suggestions, we invite to study a series of amendments drafted by PROELA, an organization in which I am vice-president, that would comply with the applicable criteria for Free Association and self-determination.

There are answers to the problems arising from colonialism. The United States and the people of Puerto Rico deserve an opportunity to choose between non colonial and non territorial options in the referendum scheduled for 1998. It only takes the will to do it.

Thanks for your attention.


Angel J. Ortiz-Guzman

PROELA
P.O. Box 2864,
San Juan, Puerto Rico 00902
Tel. (787) 753-3748

Suggested amendments on 105th Congress' H.R. 856

After reviewing the text of the *United States -- Puerto Rico Political Status Act (H.R. 856)*, we suggest that the following amendments be included. These would not alter the spirit or intention of the bill but would facilitate our participation in the prescribed process in defense of the Free Associated State alternative.

Here are our suggestions:

Section 2

We should express our concern that the language of section 2 ("Findings") is one that unnecessarily exacerbates ongoing debates in Puerto Rico. H.R. 856 does not need a discussion as to the current legal nature of the U.S.-Puerto Rico relationship. As you should know, that is one of the main points of controversy in Puerto Rico. By adopting a position on the debate, one way or the other, you would alienate hundreds of thousands of Puerto Ricans who would view you as their enemy. This is totally unnecessary. In fact, the House adopted unanimously in 1990 a plebiscite bill (H.R. 4765) that did not dwell on this debate. Everyone agrees that Congress has the authority to mandate a status plebiscite for Puerto Rico. To try to ascertain whether it is in light of the Treaty of Paris, the Territorial Clause or, Section 9 of the Federal Relations Act of 1950 is irrelevant and diverting. Just legislate a plebiscite and let the scholars and analysts debate this issue.

However, if you insist on including a section entitled "Findings", we believe that the following amendments would make said section fairer for all parties involved and would transmit an accurate description of United States--Puerto Rico relations.

On page 3, lines 16 to 25 and page 4, lines 1 to 4; after the phrase "**proclamation by the Governor.**", strike everything and substitute with the following:

"The adoption of this constitution for the establishment of the structure for constitutional government in respect to internal affairs constituted a significant level of achievement on the road towards the attainment of full

self government."

On page 4, line 14; strike the phrase **"in the territory"**.

On page 5, line 17; strike the word **"confirmed"** and substitute with the word **"asserted"**.

On page 5, lines 21 to 24 and page 6, lines 1 to 2; after the phrase **"United States Constitution"**, strike everything else and end with a period (.).

On page 7, lines 3 to 5; strike the following phrase **"In that vote none of the three status propositions received a majority of the votes cast"**.

On page 7, line 14; strike the words **"inconsistent and"**.

On page 7, line 16; strike the words **"under the Territorial Clause of the Constitution"**.

On page 8, lines 7 to 11; after the word **"years"** strike everything and substitute with a period (.).

On page 8, line 15; strike the word **"separate"** and substitute with the word **"full"**.

On page 8, lines 12 to 15; after the phrase **"in the Union"** strike everything and substitute with a period (.).

Section 3

On page 8, line 22; insert a new (a) that reads:

"(a) FINAL DISPOSITION OF CONGRESSIONAL POWERS OVER PUERTO RICO-- With the enactment by Congress of a status option pursuant to the terms and processes established by this act, Congress will be disposing in a final and irrevocable manner of any and all remaining powers or authority over the islands of Puerto Rico under the terms of Article IV, Section 3, of the United States Constitution."

On page 8, line 25; strike the word **"territory"** and substitute with the words **"Puerto Rico"**.

On page 9, lines 12 to 13; after the phrase **"languages of Puerto Rico"** strike from **"and have been for nearly 100 years"**.

On page 9, line 20; after the word **"Rico"** add the following **"and to require that English be the official language of all state and municipal agencies as a**

condition for admission to the Union as a State.”

Section 4

From line 23 of page 10, to line 17 on page 11; strike the definition of “Commonwealth” and insert the following:

“A. FREE ASSOCIATED STATE (or FREELY ASSOCIATED COMMONWEALTH, or SOVEREIGN COMMONWEALTH, or COMMONWEALTH IN A BILATERAL COMPACT OF ASSOCIATION) --If you agree, mark here _____

“Puerto Rico should take a path of national sovereignty leading the current Commonwealth status towards a full free association with the United States to be defined by means of a bilateral compact which can only be amended by mutual agreement. The bilateral compact shall –

“(1) recognize Puerto Rico as a sovereign nation organized in a Free Associated State (in Spanish, *Estado Libre Asociado*) with full authority and responsibility for its internal and external affairs, exercising in its own name and right the powers of government with respect to its territory and population, language and culture, determining its own relations and participation in the community of nations, and exercising all the attributes of a sovereign political entity, except those specifically delegated to the Government of the United States under the terms of the bilateral compact;

“(2) define all future relations between Puerto Rico and the United States, providing for cooperation and assistance in matters of shared interest as agreed and approved by Puerto Rico and the United States, including a mechanism for the adjudication of public and private disputes and controversies arising under the terms of the compact and, establishing that the compact shall only be amended or terminated by mutual agreement pursuant to the procedures contemplated in the bilateral compact and to the respective constitutional processes of the United States and Puerto Rico;

“(3) provide for the ratification of the constitution democratically instituted by the people of Puerto Rico, establishing a republican form of full self-government and securing the rights of the citizens of Puerto Rico to be the supreme law of the Free Associated State, and the Constitution and laws of the United States no longer apply to Puerto Rico, with the exception of those included as part of the bilateral compact;

“(4) establish that the terms of the bilateral compact of the Free Associated State can only be terminated or amended by mutual agreement and that the People of Puerto Rico will give its consent or agreement in

accordance to the terms of the compact and the applicable constitutional processes;¹

“(5) recognize Puerto Rico the power to determine and control its own nationality and citizenship. A United States citizen who by birthright becomes a citizen of the Free Associated State of Puerto Rico and who does not renounce his United States citizenship, would retain his United States citizenship and continue to be entitled to the same rights and privileges as any other United States citizen,² including the ability to transfer his or her citizenship to future generations in accordance with existing U.S. Immigration and Naturalization Law and existing Supreme Court decisions;

“(6) upon recognition of Puerto Rico by the United States as a sovereign Free Associated State and establishment of government -to-government relations on the basis of comity and reciprocity, Puerto Rico’s representation to the United States is accorded full diplomatic status;

“(7) Puerto Rico’s eligibility for United States assistance to be provided on a block grant government to government basis, including foreign aid or programmatic assistance, at levels similar, to the present ones. No less than fifty percent (50%) of said funds will be used for the development of infrastructure and the promotion of job creation in Puerto Rico. Individuals will maintain the federal entitlements, such as social security, that they have earned as United States citizens;

“(8) honor property rights and previously acquired rights vested by employment in Puerto Rico or the United States, such as those of federal employees and veterans, and where determined necessary, such rights are promptly adjusted and settled consistent with government to government agreements implementing the bilateral compact;

“(9) guarantee a common market between Puerto Rico which would permit a free flow of persons, goods and services between both nations;

“(10) provide for a common defense between Puerto Rico and the United States that will guarantee effective participation and compensation of Puerto Rico on any military decision that compromises any further Puerto Rican land. Present level of federal funding will be provided in exchange for the retention of the current U.S. military installations; Puerto Rico will agree to the strategic denial of any foreign military installation in its territory and; participation of Puerto Ricans on the U.S. military will be over a voluntary

¹ This language is taken from Section 441 of the compact approved by Congress as part of the “Compact of Free Association Act of 1985” (99 Stat. 1771, at 1829).

² The language is taken from the section-by-section analysis of Section 172 of the compact approved by Congress as part of the “Compact of Free Association Act of 1985” (P.L. 99-239; 99 Stat. 1770).

and individual basis."

On page 11, line 18; Strike the words **"SEPARATE SOVEREIGNTY"** and substitute with **"INDEPENDENCE"**.

On page 12, lines 4 to 6; strike the phrase **", or an international bilateral pact of free association terminable at will either by Puerto Rico or the United States,"**.

On page 15, lines 19 to 25 and on pages 16 to 19 ALL lines and page 20 lines 1 to 4; strike all of its content and substitute with the following:

"(b) LEGISLATION TO RESPOND TO THE PLEBISCITE'S RESULTS --

"(1) If the referendum results in a majority for one of the three status options, Members of the Committee of the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, in full consultation with representatives of each of Puerto Rico's principal parties, the President of the United States and other interested persons or groups as may be appropriate, shall draft legislation to implement the selected status addressing the aspects of that status set forth on this legislation. In drafting the legislation provided for in this section, the governing principles of each status option shall be treated equally, consistent with the constitutional authority of the United States Congress.

"(2) In the event that none of the three options gets a majority by itself but the sum of the votes for the full Puerto Rican sovereignty options (Free Associated State and Independence) does produce a majority, the process contemplated in Section 4(b)(1) may go forward exactly as provided for in said section.

"(3) There are hereby authorized to be appropriated such sums as might be necessary for the conduction of the consultations.

"(c) CONSIDERATION OF LEGISLATION --

"(1) No later than one hundred and eightieth-calendar day beginning after the day of the official certification of the results of the plebiscite to the President of the United States and to the Senate and the House of Representatives of the United States by the Government of Puerto Rico, the Chairman of the Committee on Energy and Natural Resources shall introduce the legislation provided for in Section 4(b)(1) in the United States Senate and the Chairman of the Committee on Resources shall introduce such legislation in the United States House of Representatives.

“(2) At any time after the close of the one hundred and eightieth-calendar day beginning at the day of the introduction of such legislation, it shall be in order for any Member of United States House of Representatives or the United States Senate to move to discharge any committee of that House from further consideration of the legislation. a motion to discharge shall be highly privileged, and debate thereon shall be limited to not more than two hours, to be divided equally between those supporting and those opposing the motion. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

“(3) At any time after the close of the fourteenth legislative day beginning after the last committee has reported or been discharged from further consideration of such legislation, it shall be in order for any Member of the United States House of Representatives or the United States Senate to move to proceed to the immediate consideration of the legislation (such motion not being debatable), and such motion is hereby made of high privilege. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

“(4) Enactment of this section constitutes a commitment of the United States will vote on legislation establishing appropriate mechanisms and procedures to implement the political status selected by the people of Puerto Rico.

“(d) RATIFYING VOTE ON LEGISLATION --

“(1) If enacted, the legislation draft pursuant to section 4(b)(1) as approved by Congress shall be submitted to the people of Puerto Rico no later than sixty days after enactment. The legislation shall take effect in accordance with its terms upon approval by the people of Puerto Rico in the ratification vote.”

Section 5

On page 21, line 1; Insert a new subsection (b) that reads:

“(b) VOTER ELIGIBILITY--

“(1) Voter eligibility for participation on any vote celebrated under the terms of this act shall be achieved by anybody who is 18 years of age or older and has been born on the islands of Puerto Rico or who has at least one parent who was born on the islands of Puerto Rico. No other requirement

for voter eligibility shall exist. The Puerto Rican State Electoral Commission is authorized to approve extraordinary rules to permit the eligibility of non natural Puerto Ricans that by a significant amount of years of residing and conducting business on the islands of Puerto Rico prove their intention of making Puerto Rico their permanent place of residency.

"(2) The Congress hereby authorizes the Puerto Rico State Electoral Commission to adopt the necessary rules and provisions to enable Puerto Ricans not resident in Puerto Rico to register and vote in the referendum without being present in Puerto Rico. Such persons may include those born in Puerto Rico or those who have at least one parent who was born in Puerto Rico."

On pages 21 and 22, ALL lines and on page 23, lines 1 to 17; strike all of its content.

Section 6

On page 23, lines 18 to 25, pages 24 to 28 and page 29, lines 1 to 3; strike ALL of their contents.


Section 7

On page 30, line 19; add before the word "advocating" add the following phrase "that have been registered with the State Department of Puerto Rico for a period of no less than six months before the effective date of this act".

On page 31, line 3; insert after the end of the last sentence, the following new sentence: **"No other public or private funds than the ones provided for in this section may be used for campaign purposes of any of the votes authorized under this act."**

These are our suggested amendments. We urge you to amend 104th Congress' H.R. 4281 to accommodate them.

Sincerely,


Luis Vega Ramos
President

Mr. YOUNG. I want to thank the panel.

Carlos, do you have questions?

Mr. ROMERO-BARCELÓ. Yes, I have a couple of questions.

I want to ask Mr. Velasco, if the Congress today would pass a banking law, can they make it applicable for Puerto Rico without Puerto Rico's previous consent?

Mr. VELASCO. A banking law, yes.

Mr. ROMERO-BARCELÓ. And fair trade laws?

Mr. VELASCO. And fair trade laws, yes.

Just to answer your whole question, the only laws that are not applicable to Puerto Rico made by the U.S. Congress are those that are locally inapplicable because of geographic or that kind of laws and also those that do not address the compact.

Now, what is the compact? The compact is Public Law 600, the Federal Relations Act, the Constitution of Puerto Rico. Those are the laws—and 447, of course.

Mr. ROMERO-BARCELÓ. Can Congress pass income tax laws taxing income produced in Puerto Rico?

Mr. VELASCO. Income tax laws?

Mr. ROMERO-BARCELÓ. Taxing income produced in Puerto Rico. Can they not pass laws?

Mr. VELASCO. No, they cannot.

Mr. ROMERO-BARCELÓ. Why are they taxing the companies that are here in Puerto Rico for their income produced in Puerto Rico now, what used to be section 936? Why are those taxing the income produced here if you say they cannot?

Mr. VELASCO. Mr. Romero, those companies that were under 936 are U.S. companies.

Mr. ROMERO-BARCELÓ. No, they are subsidiaries.

Mr. VELASCO. Excuse me, the subsidiaries are U.S. subsidiaries that are doing business in Puerto Rico; so, therefore, those subsidiaries, because they are citizens of the States where they were incorporated, are under the Internal Revenue Code; and that is why you can do it.

Mr. ROMERO-BARCELÓ. But they are taxed here for the income produced in Puerto Rico.

Mr. VELASCO. But they are taxed because they are citizens of other States, not because they are citizens of Puerto Rico.

Mr. ROMERO-BARCELÓ. And when a Puerto Rican earns income outside of Puerto Rico, they are also taxed by the United States, right?

Mr. VELASCO. Because that income is derived outside of Puerto Rico. But the income derived inside of Puerto Rico is not taxable under the Internal Revenue Code. And it is not taxable, first, because they are not in the Internal Revenue code; and, second, because it is part of the compact.

Mr. ROMERO-BARCELÓ. An excise tax, they cannot impose excise taxes on Puerto Rico?

Mr. VELASCO. Excise taxes? Puerto Rico imposes excise taxes, not the United States. The United States imposes custom duties.

Mr. ROMERO-BARCELÓ. How about the rum excise tax?

Mr. VELASCO. The rum excise tax—the problem with the rum excise tax is the Puerto Rico government did not do anything at the time.

Mr. ROMERO-BARCELÓ. Why didn't they do it afterwards?

Mr. VELASCO. They haven't done it.

Mr. ROMERO-BARCELÓ. They have had 8 years for the Popular Party Administration, and they didn't go to court.

Mr. VELASCO. That is besides the point. The point is, Mr. Romero, that independent of what they did or didn't, you can't impose it; and if the Commonwealth of Puerto Rico goes to court, that is another matter. They didn't do that.

Mr. ROMERO-BARCELÓ. Why don't you file a claim? Why don't you file a claim and have them return the money?

Mr. VELASCO. They didn't do it at the time.

Mr. ROMERO-BARCELÓ. You can do it now. If you have the law with you, you can file a claim to have the money returned?

Mr. VELASCO. I can't speak for the commonwealthers of Puerto Rico, Mr. Romero.

Mr. ROMERO-BARCELÓ. You can speak for the taxpayers.

Mr. VELASCO. That is something to be studied at this time. We are not going to do that now.

Mr. YOUNG. I don't want to cut the gentleman short, but we are about ready to run out of time, and the gentleman from Guam is all excited about Free Association, so he is allowed to ask questions.

Mr. UNDERWOOD. I just want to offer some observation since I know we are at the end of the line. I just wanted to point out as, obviously, a vitally interested observer of this process because of the impact it may have on Guam as well as being a member of the Committee, it strikes me that there are many fingers being pointed in this process.

All along and throughout the day we have heard about the status of Estado Libre Asociado has misled the people, we have heard that statehood status is being offered but it is not being guaranteed, and many people that are advocates of independence are saying that people have been made to be afraid of independence.

And then we hear in the written testimony, at least there are many references to court cases, some involving Guam, some involving the Commonwealth of the Northern Marianas. We have heard references to the Compacts of Free Association. Yet that brings to mind a whole series of other issues that are attendant to it.

Again, even in the process of seeing that or hearing it, I recognize that some of those things, while not entirely being inaccurate, they are not entirely accurate as well. The Compacts of Free Association and the Covenant of the Northern Marianas are very different from each other. The reference to continuing citizenship applies to a very small group of people who happened to be U.S. citizens before the implementation of the compacts, and that is a very different process coming in.

I just want to point out that it seems to me—and I hate to go back to this very, very basic point. It seems to me that, of the entire political status process, at least as we did it on Guam, is we understood what we were trying to do. I think we understood what we were trying to do, and we tried to argue it from what we wanted, and then we are going to Congress and see what we can get.

Now, if Congress doesn't want to do it, then Congress will own up to us at that time and make it clear what it wants to do and

what it does not want to do. I submit that, subsequent to that, the people of Guam are still free to engage in a lot of things, because I think the right of self-determination is not extinguished, because people will have that right.

But I do think that making these very glib comparisons, I always want to know, what happened to the old ELA that we need a new ELA?

Mr. RAMOS. Mr. Underwood, if you would permit a brief comment on my part, I would agree with you the Marianas arrangement and Compact of Free Association Agreement are two different things. The Marianas arrangement is under the sovereignty of the U.S. We don't want that. The people of Puerto Rico have said, at least the people who are supporting the Estado Libre Asociado today, want a relationship with the United States based on sovereignty for Puerto Rico. That leaves only the space for a Free Associated State relationship.

With regards to what Resident Commissioner Carlos Romero was talking about, we can argue about what laws apply and what laws don't apply today. But under our proposal, it would be clear that the only Federal laws that would apply would be those included in the terms of the bilateral compact.

So what we are basically doing here is trying to put some things back into the discussion of the autonomy formula by saying, here is a relationship that it is open to negotiation, and you have political will, and you get some things, and others don't.

Mr. UNDERWOOD. Luis, with all due respect—and I am one seeking a status that has many similarities to what you already have, and I fully recognize that—but I really am torn on the horns of a dilemma in trying to understand all the vague terms that are being used. I sometimes wonder whether we would be better off, Mr. Chairman, holding a contest like they used to hold for various products: Send us your description of political status in 25 words or less. And then, once we do that, then you make a choice on that.

Because a statement of political aspirations is not a statement of a status. It is a statement of a political program, and that will be part of the discussion and the campaign. I clearly understand that. I just can't understand why that has to be part of the definition.

Mr. RAMOS. I would have a one-sentence comment. Everything in our proposal, everything, is validated by previous precedents in U.S. law and international obligations. Then it is an issue of political will.

Mr. UNDERWOOD. It should not be a matter phrased as a issue of political will or political aspirations. It should be phrased as a description.

Mr. YOUNG. The gentleman's time has expired.

We could argue this point. I would like to—before I dismiss the panel, I would like to suggest two things.

Mr. FERNOS-LOPEZ. I would like to, before you begin, to mention something.

Mr. YOUNG. I recognize maturity and gray beards, so go ahead. But don't take too long. We have to catch a helicopter.

Mr. FERNOS-LOPEZ. I am concerned that I have not heard any testimony here which has stressed the point that the U.S. Congress

under the U.S. Constitution has the plenary power to grant Puerto Rico anything they want to.

Mr. YOUNG. And you hit a very valid point. I was just going to come to that.

Mr. FERNOS-LOPEZ. The point is the Constitution itself, and particularly the territorial clause, when it says that you could dispose in the way you wish, is so ample that you were not to be parsimonious, you would be giving Puerto Rico anything under Commonwealth that could be attained through statehood or independence.

Mr. YOUNG. We will not disagree with that. The problem we have is the political reality and what can sell and what cannot sell in the Congress.

I have made a commitment, I will say this right up front, that I do not believe that we can have a territory today in this arena and still be the United States of America. What we are trying to do is reach some kind of solution to the problem.

I am not going to tolerate the status quo; and I am not, very frankly, going to use a—no, don't applaud. I am not going to let someone use a method to go back to where we were before.

One of the things that bothered me is some of the testimony, and I will tell you I do have a bad back. As you know, I got rid of one chair today. Gardner threw it off the wall. But I do not like to be impugned for my motives. This disturbs me a great deal.

Because this—as Chairman Miller said, this is a very serious question that affects all Americans, and affects mostly the Puerto Rican people, but affects all Americans. This is a chance, I believe, for America to show its great leadership, as it has in the past; and we are going to continue to pursue a solution.

Before I do close this and I will ask Carlos to say a few words, I am going to ask unanimous consent to submit the statements for the record of the Governor of Puerto Rico, the Mayor of San Juan, the Mayor of Biyamon and Hernandez-Arana.

[The statements follow:]



The Governor of Puerto Rico

April 4, 1997

The Honorable Don Young, M.C.
2111 Rayburn House Office Building
Washington, D.C. 20515-0201

Dear Congressman Young:

As next year marks the one-hundredth anniversary of the Treaty of Paris (under which Puerto Rico was ceded to the United States in the settlement of the Spanish-American War), there can be no greater commemoration by the U.S. Congress of this moment in history than to afford the 3.8-million United States citizens in Puerto Rico the ability to exercise their right to full self-determination. We thank you, as co-sponsor of H.R. 856, for the significant role which you played in securing this right for the people of Puerto Rico.

The desire to obtain the empowering right to self-determination is shared by the people of Puerto Rico, as was demonstrated in the results of our territory's 1996 general election -- when an absolute majority of Puerto Rico's voters proved their support for a platform seeking Congressional sponsorship of a political status plebiscite for Puerto Rico.

Moreover, on January 23, 1997, the Legislature of Puerto Rico approved a Resolution petitioning "the 105th Congress and the President of the United States of America to respond to the Democratic aspirations of the American citizens of Puerto Rico, in order to achieve a means of guaranteeing the prompt decolonization of Puerto Rico through a plebiscite sponsored by the Federal Government, to be held no later than 1998." A copy of said Resolution is attached for your perusal.

The 105th Congress, through the introduction of both H.R. 856 and S. 472 in the House and Senate, respectively, has provided the people of Puerto Rico with the much-needed instrument to finally achieve full self-determination. Your co-sponsorship of H.R. 856 has brought self-determination for Puerto Rico closer to becoming a reality.

As you may recall, upon introducing H.R. 856 in the House Committee on Resources on February 26, 1997, the following statements were issued:

"The United States Congress and the President have a moral obligation to act so the people of Puerto Rico can finally resolve their status."

-- Chairman Don Young

"The American citizens who live in Puerto Rico deserve an opportunity to speak clearly about their future status -- and to have their voices respected by the Congress of the United States."

-- Ranking Member George Miller

The Honorable Don Young, M.C.
April 4, 1997
Page Two

In addition, upon introducing S. 472 on March 19, 1997, members of the Senate Committee on Energy and Natural Resources issued the following declarations:

"This is the most democratic procedure possible given the complicated dilemma faced by the United States and Puerto Rico."

-- Senator Larry Craig

"There is no better way to commemorate this special occasion than to give the U.S. citizens of Puerto Rico the same right that their counterparts in all 50 States enjoy -- the right to choose their political destiny."

-- Senator Bob Graham

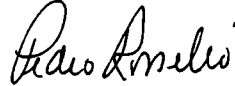
For his part, as evidenced by the attached letter of December 31, 1996, President Bill Clinton stands ready to work with "...the Congress, and all concerned, to establish a process that would enable the fundamental issue of Puerto Rico's political status to be finally resolved."

Furthermore, the National Governors' Association [NGA] has maintained a policy on POLITICAL SELF DETERMINATION FOR PUERTO RICO. On February 4, 1997 the NGA unanimously reaffirmed this policy, and urged the 105th Congress to "enact legislation that will -- no later than the 1998 centennial of the United States' sovereignty over Puerto Rico -- provide a mechanism for political self-determination." Attached for your reference is a copy of the complete text of this NGA policy.

On behalf of the people of Puerto Rico, please accept my heartfelt gratitude for your strong support in this process of self-determination.

With kindest best wishes.

Sincerely,



Pedro Rosselló
Governor of Puerto Rico

ENCLOSURES

TESTIMONY OF THE HONORABLE SILA M. CALDERON
MAYOR OF THE CITY OF SAN JUAN
CITY HALL
P.O. BOX 4355
SAN JUAN, PUERTO RICO 00902

BEFORE THE COMMITTEE OF RESOURCES
OF THE U.S. HOUSE OF REPRESENTATIVES
ON H.R. 856
THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT
APRIL 19, 1997

Mr. Chairman, members of the committee, as Mayor of San Juan, I welcome you to our Capital City. I thank you for the opportunity to testify at these hearings on H.R. 856.

The purpose of this bill is to encourage Congress to adopt legislation calling for a federally sponsored plebiscite in Puerto Rico. That is indeed a complex and difficult task. While I commend your initiative in taking this step, this bill, as drafted, will contribute to an already deteriorated environment under which the status question is being debated.

Today, there are several thousands people outside this theater. Thousands are also watching these proceedings on television and listening on the radio. You will have before you many different points of view on how to address this issue. Some more passionate than others. I encourage you not to let the many discrepancies in vision misguide you through the complex enterprise you are facing. The task requires

full and fair allowance to all shades of opinions and, above all, deep respect for the noble, gentle and great people of Puerto Rico, our distinct personality, our separate cultural identity and our particular set of values.

Last November, I was elected Mayor of San Juan based on my bipartisan message and my call for unity and consensus. I urged the people of San Juan to leave behind the divisiveness of status preferences and partisanship. Instead, I offered my views on the status of the individual citizen and on the status of a city government that needed to be more responsive, active, inventive and effective.

The most fundamental motivation behind my candidacy was, and is, my firm conviction that in order to get our job done, we must forge unity among our people. But more importantly, in order to face our collective destiny, we must focus on our common elements, as opposed to capitalizing on our differences.

The bickering of status politics can only accomplish a converse effect: fragmentation and dispersion of our collective and creative energy as a country; the inventive energy we desperately need to employ in an ambitious action plan for our future. I assure you, there is no solution to the status controversy unless you and each of the political forces in Puerto Rico commit to crafting a design through consensus.

As Mayor of San Juan and as a Puerto Rican, I am for a political status that can provide an effective government-- a political status that can fulfill the needs and

further the aspirations of every Puerto Rican. But mostly, I am for a political status that can unify our country. I am, therefore, for Commonwealth.

Commonwealth status was born to allow for the coexistence of the divergent ambitions of our people. Aspirations that were rooted in our deep commitment to a relationship of permanent union with the United States and our cherished American citizenship. A relationship that would safeguard our political dignity, respecting our unique culture. Equally important, a relationship coupled with effective economic tools and development incentives to foster the creation of a government responsive to the people's needs.

The different status alternatives for Puerto Rico have, in their own way, virtues. Statehood, allows, as does Commonwealth, for a permanent relationship with the United States and simultaneously guarantees our American citizenship. On the other hand, through independence, Puerto Rico, as under Commonwealth, will be invested with the cultural freedom and autonomy to safeguard our culture. On the virtues of statehood and independence, you find the strength and greatness of Commonwealth status. Commonwealth envisions to end an empty and sterile debate that for decades has been bitterly confined to choosing between two utopias, statehood or independence. This innovative political craftsmanship offers the basis for the needed consensus bringing together people of all beliefs.

Nevertheless, Commonwealth status, although versatile and dynamic, still has intrinsic defects which have not been corrected in spite of recurring efforts on our part to do so in the past decades.

The chief problem of Commonwealth status as it stands at present is that the provisions of the Foraker and Jones Acts governing the relations between the United States and Puerto Rico were not reviewed at the time that the Commonwealth was established in 1952, but were continued in force and effect under the name of the Puerto Rican Federal Relations Act. This means that our relationship still mainly rests on ancient and partly obsolete bases, some going back to 1900 and others to 1917. We have for decades attempted to review the compact between the people of Puerto Rico and the government of the United States to update such provisions. That is the real task now facing the government of the United States and the people of Puerto Rico, rather than tinkering with the shadow of old formulas.

I support, for such reasons, the new definition of Commonwealth, as has been recently presented to this Committee. It offers a realistic political model for a new era. It is defined in terms of core principles with the reaffirmation of the bilateral nature and permanence of our relationship, assured American citizenship, the recognition of the sovereignty of Puerto Rico over matters governed by its Constitution, its powers of self-government amply broadened, and most importantly, adequate protection of our culture, including our language and our distinctiveness as a people.

Commonwealth, as has been presented, is not merely confined to a new definition. It encompasses the diverse aspirations of our people. It assures our permanent relationship with the United States and our common citizenship, while simultaneously preserving our rich cultural patrimony and can put an end to the exhausting and barren debate as to Puerto Rico's final status.

H.R. 856 has many flaws. This initiative, from the very beginning has been tailored to exclude the Commonwealth option as a means to catering to the statehood option. It is a bill born without consensus and without consultation. It is not a self-executing proposition which turns this consultation into a popularity contest. The bill remains silent as to the participation of our brothers and sisters in the United States to have a say in the future of their land. The bill is insensitive to the great accomplishments of Commonwealth Status. In addition, this bill forces the people of Puerto Rico in perpetuity to conduct plebiscites every four years only if Commonwealth wins. Make no mistake about it, this is a statehood bill. Or better yet, a mock-statehood bill, as Congress is in no way bound to admit Puerto Rico as a state, should that be the people's choice.

There is another fundamental reason that concerns me the most: H.R. 856 is a backward bill.

The bill wantonly destroys the center, the basis for the historic consensus represented by Commonwealth status throughout the years. It would throw Puerto

Rico back to the tragic debate between the two extremes which kept fighting each other before the establishment of Commonwealth status; it would again polarize our society and bring back the load of sorrows which this country knew before then.

In fact, H.R. 856 tries to overrule half a century of our history and development as a people. Under what authority are you doing this to the people of Puerto Rico? On the basis of a supposed congressional right to do as it pleases as respects so-called territories, which Puerto Rico is not? Is it possible that a much higher principle, that of government by consent, is to be ignored? Let there be no doubt, all plebiscites held so far in Puerto Rico have favored Commonwealth status. Whence this tenderness about an independence that the people of Puerto Rico have repeatedly indicated that they do not want and a statehood that has never been accepted by the people of Puerto Rico in a plebiscite? How can a bill of this nature be considered without proper consultation and agreement by all parties concerned?

Moreover, H.R. 856 is based on the same traditional analysis where the options are extreme postures that were defined before the new era of globalization and interdependence. The U.S. Congress continues to deal with this important issue for Puerto Rico without a clear vision. It is doing what no Congress has done before, offering statehood with little preparation, without complete knowledge of the consequences of its actions, out of the blue, in a hurry, appearing as if there is a need to blindfold our people as to its cultural and fiscal implications. This bill wreaks havoc on the needed consensus to frame a responsible status consultation.

Ladies and gentlemen of the Committee, I respectfully ask you to do right by the people of Puerto Rico in the light of the times. The twenty-first century is upon us. With ever-increasing intensity, peace and harmonious coexistence among different communities will continue to press for recognition as primary values in an interdependent world. The relationship between two distinct societies should never again be based on the unilateral imposition of one's will upon the other. As was the case when Commonwealth status was established by the joint efforts of the people of Puerto Rico and the government of the United States, at our request, let our final status be the product of full consultation and consensus. Anything less would do not honor to the people of the United States or our people.

Thank you very much.



City of Bayamon
OFFICE OF THE MAYOR

P.O. BOX 1588
BAYAMON, P.R. 00960
TEL. (809) 787-8836

April 4, 1997

Hon. Don Young
United States House Representatives
Washington, D.C. 20515

Dear Honorable Young:

On July 25, 1998 we will observe the centennial of United States sovereignty of Puerto Rico. This change of sovereignty came with the landing of troops in 1898 and it was declared by the Commander of the U.S. Army, Major General Nelson A. Miles, who issued a general proclamation addressed "To the Inhabitants of Puerto Rico" which said in part:

"In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Puerto Rico...They bring you the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold".

After almost a century we are about to make the proclamation of General Miles come true. The 3.8 million Puerto Ricans on the island have been United States citizens since Congress conferred citizenship in 1917, but this has been a second class citizenship. Puerto Ricans have shed their blood in the defense of this Nation in numbers greater than half of the States but we have denied the right to vote for our Commander-in-Chief. As a Territory of the United States we Puerto Ricans are denied our full rights of Citizenship: the presidential vote, and equal representation in Congress. The relationship is tantamount to colonialism and denies us justice as well as our humanity.

You have it in your power to finally bring justice and humanity to Puerto Rico. "The United States-Puerto Rico Status Act", H.R. 856, is the measure that will start this process.

PUERTO RICO'S MOST PROGRESSIVE CITY

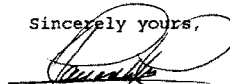
April 4, 1997
page 2

I praise the support of the cosponsors who have recognized responsibility that this intrinsic to the authority over the territories vested in Congress by Article IV, Section 3, Paragraph 2 of the Constitution which reads: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States..." We can no longer be denied justice and humanity.

I respectfully request that you add your support to this measure to provide a process which leads to the full self-government for Puerto Rico. Let Congress and Puerto Ricans formally acknowledge what has been a fact for a century and let us stand together on the fourth of July to celebrate the admission of the Fifty-first State.

Looking forward to your support I remain,

Sincerely yours,



Ramón Luis Rivera
Mayor

EFRAIN HERNANDEZ-ARANA
17 MASSACHUSETTS ROAD
LEHIGH ACRES, FLORIDA 33936
Tel. 941-368-3992

March 30, 1997

Honorable Don Young ,Chairman
U.S.House Committee On Resources
1324 Longworth House Office Building
Washington, D.C. 20515

RE.:PUERTO RICO

The Honorable Chairman Young:

I,am a U.S.citizen born and educated in Puerto Rico,but a resident of the State of Florida since July 1974, with my wife and four sons,three daughters in law and 2 grandchildren.

In 1917,immediately after the Jones Act granted the U.S.citizenship to the Puerto Ricans, my father,a just married young man,was recruited to the U.S.Army,and trained at Fort Buchanan near Juan Juan. Two of my brothers were U.S.Army soldiers during the World War II, one of them was killed in France on January 1945 ;he was 20 years and 9 months old. Four of my brothers were U.S.soldiers during the Korean Conflict,one was injured in 1952.

While in Puerto Rico I worked as Vocational Agriculture Teacher,County Extension Agent and Assistant County Supervisor for the Farmers Home Administration (USDA). In 1972 I left Puerto Rico to accept a job as Head of the Extension/Credit Department for an agricultural development project in Ethiopia,working for a consultant to management firm who had a contract with the Imperial Ethiopian Government but financed with USAID funds,in part.

Eighteen months later a civil war started in Ethiopia and there was a caos there for the last six months of my first two year contract/tour. I returned to Puerto Rico,but did stop in Florida to visit my mother in law. We started liking Florida. I went to Puerto Rico for a week by the time my family did stay in Florida. It was hard to get an interview for a job,and at the Extension Service State Office,the FmHA State Office,and the State Department of Agriculture in Puerto Rico there were no immediate openings and none were expected.

I returned to Florida,found a job with a private company for about 30 months. Then I was unemployed for my first time since I started my first job in 1961.

By the end of **December 1976** I returned to Puerto Rico with my family after several months unemployed,but still with a lot of faith. I visited all the agencies with jobs in my profession,without any success. The only job I found was a three months one with a Special Program under the Cooperative Extension Service visiting the Consumers Marketing Cooperatives whose members were not too motivated to buy groceries at their own stores and a special program with federal funds was trying to motivate them to keep their active participation to support their own cooperative supermarkets.I also translated into English the Quarterly Progress Report for the Special Program to be sent to the USDA in Washington.

I had applied to several jobs while in Florida. One afternoon I received a card from a manager for one office of the Jobs Service of Florida, Department of Labor and Employment Security, calling me for an opening as Employment Specialist in an agricultural geographical area, since I am an Agronomist. I started with a salary lower than the one I had in Puerto Rico as a temporary employee, but a secured one.

Due to lack of advance in that position I worked 10.5 years in that job; for the last 9.5 years I have been performing as an Unemployment Tax Field Auditor, here in Florida, 20 years in total.

Mr. Young, the purpose on telling you about my past working experience is because I am very interested that the U.S. citizens in Puerto Rico intensify their learning abilities on the **English language**. The opportunities I had in all those years of working in Puerto Rico, in Africa and in Florida were because I was taught English in the Puerto Rico public schools during those years when the College Instructors and Professors were interested that we the students be prepared for the labor market in Puerto Rico and in the mainland/United States of America. For several years the English is studied for 50 minutes a day, five days a week at the Public Schools in Puerto Rico, but only the grammatical phase, but lack of motivation and lack of the practical conversational phase, plus the political propaganda against the English language in Puerto Rico have caused a crisis at the classrooms in Puerto Rico.

Since the 1862, when the first Morrill Act was passed by Congress creating the Land Grant Colleges; and the second Morrill Act in 1890, funds have been provided for teaching skills. Subsequent Acts on Education have provided for programs on education at all levels.

The federal funds on education don't limit the students to stay working at the State where they received their education, not in the past and not now.

The U.S. citizens educated in Puerto Rico must be taught English since the labor market in Puerto Rico can not provide jobs for all the professionals, technical schools graduated and not even to the secondary school graduated and the drop-out and since they are free to travel to any State of our Nation they come looking for jobs.

While I was an Employment Specialist with the Jobs Service of Florida I met many Puerto Ricans graduated from college/universities in Puerto Rico that came to my office looking for jobs, but could not maintain a conversation in English, and when referred to a job interview they did not know what to do, and if hired they did not appear to the job because they did not understand instructions. Many of those professionals ended working out on farms together with migrant workers who did not know how to read and write.

Who is to be blamed? The government of Puerto Rico? Those propagandas against teaching English at the public schools in Puerto Rico? The students? Many countries around the world are teaching intensive courses in English to the students at their public schools, and to mention some they are: the Arabs, the Chinese, the Japanese, Koreans, and so on.

Puerto Rico needs English and the Puerto Ricans must learn English as a tool for professional development for success in their careers, for understanding the citizens of the world and to perform daily with their counterparts on their jobs around the U.S. Nation.

Mr. Young, I respectfully propose that a Bill be prepared and presented to Congress regarding the establishment of an intensive program for teaching practical English at all the public schools in Puerto Rico, elementary, intermediate/junior high and senior high schools, plus the vocational schools. An interchange of Teachers from schools in Puerto Rico with Teachers in the 50 States might be a good starting to prepare the U.S. Citizens of Puerto Rico to be ready for the labor market in any of the 50 States of our Nation, and to contribute better to the socio - economic structure and progress of Puerto Rico.

A five year intensive teaching program in English will help Puerto Rico's residents to understand the importance of English around the world. The adversaries of the English teaching in Puerto Rico are not the students, but the Senators, the Legislators and political leaders that want Puerto Rico to continue with the Commonwealth Status. They need to be educated, too, even when many of them have studied their degrees in the United States universities. They had the opportunities, but they don't want the young Puertoricans to have that part of the cake, to know well to speak, read, and understand English as their way to communicate and have success on their jobs. No one is prohibiting them to speak Spanish, but English is needed for success.

My wife and my children, all are bilingual: English / Spanish, but my children excel in English, one is a sheriff deputy, two are high school teachers, and one is a public school tutor. I am proud I was able to help them help themselves for the last 22.5 years in Florida.

Since it will be impossible for all Puertoricans to testify on the two public hearings, I do request this letter be included in the Official Committee Hearing File.

Thanks for all what you have been doing for Puerto Rico. God bless you and the Congress.

Very respectfully,



Efraín Hernández-Arana
Registered Democrat since 1974, Florida

Co-founder New Progressive Party in Puerto Rico in 1968, Lares County.

Mr. YOUNG. And, in closing, let me thank the University of Mayaguez for hosting this congressional hearing. I hope all of you appreciate this. The University did an extremely good job, especially the president of the University, the chancellor, the dean, President Maldonahdo, Chancellor Stuart Ramos and Dean Antonio Santos. I think this was one of the better hearings.

I would like to thank the Puerto Rican Department of State—they did an excellent job—the Puerto Rican National Guard, the Puerto Rican State Police, Commissioner Pedro Tolaydo, for the tremendous support in both Mayaguez and San Juan.

Let me also thank the Puerto Rican Senate for the hospitality last night and the cooperation of the three political witnesses and the participation of all the witnesses in Mayaguez and San Juan.

And I say this with all sincerity, this has been a good 3 days. I want to compliment all the people here in this great city and the people who are in the audience that had differences of opinion, because our job is to listen and to learn and to make decisions. I am very pleased to say I believe we have been able to do that.

We will be reviewing all comments and all statements, all written presentations; and we will deliberate on this, as Mr. Miller said, for a great deal of time.

[The prepared statement of Mr. Young follows:]

CLOSING REMARKS OF HON. DON YOUNG

I ask unanimous consent to submit statements for the record from the:

*the Governor of Puerto Rico,
Mayor of San Juan,
Mayor of Bi-ya-mon
and Mr. E-frain Her-nan-dez A-ra-na*

In closing, let me thank the University of Mayaguez for hosting this congressional hearing. I appreciate the tremendous support of University President Mal-do-nah-do, Chancellor -Stuart Ramos and Dean Antonio Santos in preparing for this hearing.

I also want to thank the Puerto Rico Department of State, the Puerto Rico National Guard, and the Puerto Rico State Police, Commissioner Pedro To-lay-do, for the tremendous support, both in Mayaguez and San Juan.

Let me also thank the Puerto Rico Senate for their hospitality at the Capitol last night, the cooperation of the three political parties, and the participation by all of the witnesses in Mayaguez and San Juan.

We will review all of the statements and suggestions presented to the Committee as part of the process leading to action by the Committee and the Congress.

CONCURRENT RESOLUTION

To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a process that guarantees the prompt decolonization of Puerto Rico by means of a plebiscite sponsored by the Federal Government, which must be held no later than 1998.

STATEMENT OF MOTIVES

As the present century draws to a close and a new millennium full of hope is about to begin, men of good will must act affirmatively to leave any colonial vestige behind them.

The United States of America has contributed to fundamental changes towards democracy and full participation in political processes in other countries, thus asserting the universal principles of human rights.

Just as the United States has successfully promoted democratic values in the international sphere, it is now appropriate for that nation to attend to the claims for full political participation of the 3.75 million American citizens of Puerto Rico.

On November 14, 1993, the Government of Puerto Rico supported a plebiscite on Puerto Rico's status. Three different political options were submitted to the People: Statehood, represented by the New Progressive Party; Independence, represented by the Puerto Rican Independence Party; and Commonwealth, represented by the Popular Democratic Party. This last option, redefined by its advocates, is based on a bilateral pact that cannot be revoked or amended unilaterally by Congress. It had the following essential elements: first, parity of founding with the states in federal assistance programs; second, tax exemption within the scope of the former Section 936 of the United States Internal Revenue Code, since repealed; and third, the power of the Commonwealth to impose tariffs on agricultural products imported into Puerto Rico. The Commonwealth option obtained 48.2% of the votes cast in the 1993 plebiscite, while Statehood obtained 46% and Independence, 4%. In a prior plebiscite, convened by the Government of Puerto Rico in 1967, Commonwealth had obtained 60% of the votes, while Statehood obtained 37.8%.

On December 14, 1994, the Legislative Assembly of Puerto Rico approved Concurrent Resolution No. 62. By means of this Resolution, Congress was asked to state its opinion on the redefinition of Commonwealth mentioned above. If the elements of that redefinition were deemed not to be viable, Congress was requested to inform the people of Puerto Rico about which status options it would be willing to consider in order to resolve our colonial problem, and what procedural steps should be taken to this effect.

On February 29, 1996, the leaders of the United States House of Representatives Committee on Resources of the One Hundred Fourth Congress and its Subcommittee on Insular and Native American Affairs, together with the House Committee on International Relations and its Subcommittee on the Western Hemisphere, answered the People and the Legislative Assembly of Puerto Rico by means of a Statement of Principles, indicating the unfeasibility of accepting the redefinition of Commonwealth submitted in the 1993 plebiscite. These same Congressional leaders also expressed their interest in promoting Federal legislation so that the One Hundred Fourth Congress could expedite the steps to be followed in resolving the status problem of Puerto Rico. They fulfilled their pledge by submitting H.R. 3024 and S.R. 2019 with bipartisan support, for the purpose of responding to Concurrent Resolution No. 62, approved in 1994 by the Legislative Assembly of Puerto Rico.

On June 28, 1996 four Congressmen who are members of the Minority Delegation of the House of Representatives of the United States also responded to Concurrent Resolution No. 62, through a letter in which they stated that "it is clear that Puerto Rico remains a non-incorporated territory that is subject to the authority of Congress under the Territorial Clause. . .", thus upholding the conclusions set forth in the February 29, 1996 letter, mentioned above.

Barely a month later, on July 11, 1996, eleven Congressmen belonging to the Minority Delegation of the House of Representatives of the United States sent a letter to the Minority Leader of the House, stating their total support of H.R. 3024, which had been presented to that body in response to Concurrent Resolution No. 62.

The Subcommittee on Insular and Native American Affairs of the United States House of Representatives, exercised primary jurisdiction over the matters set forth in Concurrent Resolution No. 62. While studying and approving H.R. 3024 on June 12, 1996, the Subcommittee considered proposals—rejected until then—for the adoption of the redefinition of Commonwealth, either as included in the 1993 plebiscite ballot or, as an alternative, the non binding and never-adopted definition presented in a 1990 legislative report to the United States House of Representatives on the status of Puerto Rico. Both proposals on Commonwealth were overwhelmingly defeated in votes of ten to one for the first, and eight to one, for the second.

On June 26, 1996, the House Committee on Rules adopted House Report 104-713, Part 2, which endorsed well-founded provisions for the purpose of facilitating congressional consideration of the measures that responded to the results of the self-determination process, as contemplated in H. R. 3024, which set forth a 3-stage decision-making process, with periodic referenda in the event of an inconclusive result in any of the stages.

We recognize that substantial progress was achieved during the One Hundred Fourth Congress in establishing a federal policy to promote the decolonization of Puerto Rico. But today, at the commencement of the work of the One Hundred Fifth Congress, the reality of the situation is that after almost a century during which Puerto Rico has been under the sovereignty of the United States, the Federal Government has never approved or implemented specific measures geared to promoting a process in a conclusive, binding manner, by which the American citizens of Puerto Rico may democratically express their wishes regarding their final political status.

We also recognize that even though important votes on the political status in Puerto Rico were carried out in 1967 and 1993 under the auspices of the Government of Puerto Rico, other voting events will be required in order to resolve the status question once and for all; and that Congress has still not defined the interests and responsibilities of the Federal Government regarding that process.

The need to resolve Puerto Rico's political status persists. It must be carried out by means of an effective and enlightened process, whose legitimacy is acceptable to Congress, acting in the exercise of the sovereignty of the United States over Puerto Rico, pursuant to the full powers granted under the Territorial Clause of the Constitution of the United States, Article IV, Section 3, Clause 2 and which enables the People of Puerto Rico to achieve a sovereign political status through realistic and decolonizing alternatives.

Following the plebiscites carried out by local initiative in 1967 and 1993 and the corresponding results, the Congress of the United States has refused to accept and implement as permanent and binding the definition of Commonwealth that was presented to the voters in 1993. As a result, we must establish a process based on options defined in such a way that both Congress and the American citizens of Puerto Rico recognize that a choice based upon perpetuating the lack of political suffrage and the subordination to the plenary powers of Congress under the Territorial Clause does not represent the best interests of the residents of Puerto Rico nor the rest of the United States.

The final, permanent status of Puerto Rico should be consistent with the democratic principles of freedom, human rights and the goals of political, economic and social development that constitute the legacy of a century in which the political status of Puerto Rico has evolved within the flexibility allowed under the American constitutional framework. Although historical forces have caused the ongoing evolution of Puerto Rico towards self-determination to be delayed at sometimes and accelerated at others, now is the time to take the final step. This historic moment requires the adoption of measures that are carefully pondered yet decisive, in order to solve the political status of Puerto Rico by the beginning of a new century and a new millennium.

In 1998 Puerto Rico must not complete one hundred years of colonialism under the American flag without at least being in an irreversible, inevitable process of decolonization.

BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

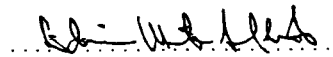
Section 1.-To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a means of guaranteeing the prompt decolonization of Puerto Rico through a plebiscite sponsored by the Federal Government, to be held no later than 1998.

Section 2.-It is hereby ordered that this Concurrent Resolution be delivered to all members of the Congress of the United States of America, to the President, the Hon. William J. Clinton, and to the Secretary General of the United Nations.

Section 3.-The Speaker of the House of Representatives and the President of the Senate of Puerto Rico are hereby authorized to designate a Special Joint Committee made up of legislators from the three political parties of Puerto Rico, for the sole purpose of personally delivering the text of this Concurrent Resolution to the Speaker of the House Representatives and the President Pro-Tempore and the Majority Leader of the Senate, and to the leaders of the Minority delegations of the Congress.

Section 4.-This Concurrent Resolution shall take effect immediately after its approval.


President of the Senate


Speaker of the House

H.R. 856**THE UNITED STATES - PUERTO RICO POLITICAL STATUS ACT***"a Bill to provide a process lending to full self-government for Puerto Rico"***List of Cosponsors**

- | | |
|--|--|
| 1. Don Young (R-Alaska) | 42. John Lewis (D-Georgia) |
| 2. Newt Gingrich (R-Georgia) | 43. Nancy Pelosi (D-California) |
| 3. Carlos Romero-Barceló (D-Puerto Rico) | 44. Donna Christian-Green (D-V.I.) |
| 4. Elton Gallegly (R-California) | 45. Bruce Vento (D-Minnesota) |
| 5. Dan Burton (R-Indiana) | 46. Patsy Mink (D-Hawaii) |
| 6. José Serrano (D-New York) | 47. Richard Pombo (R-California) |
| 7. Patrick J. Kennedy (D-Rhode Island) | 48. Jay Kim (R-California) |
| 8. Ken Calvert (R-California) | 49. Phil English (R-Pennsylvania) |
| 9. Ben Gilman (R-New York) | 50. Steven Rothman (D-New Jersey) |
| 10. Nick Rahall (D-West Virginia) | 51. Michael Forbes (R-New York) |
| 11. Robert Underwood (D-Guam) | 52. Bennie Thompson (D-Mississippi) |
| 12. Gene Green (D-Texas) | 53. Rubén Hinojosa (R-Texas) |
| 13. Ron Klink (D-Pennsylvania) | 54. Gary Ackerman (D-New York) |
| 14. Peter Deutsch (D-Florida) | 55. Michael Oxley (R-Ohio) |
| 15. Maurice Hinchey (D-New York) | 56. Alcee Hastings (D-Florida) |
| 16. Donald Payne (D-New Jersey) | 57. John Tierney (D-Massachusetts) |
| 17. Wayne T. Gilchrest (R-Maryland) | 58. Neil Abercrombie (D-Hawaii) |
| 18. Sam Farr (D-California) | 59. Sanford Bishop (D-Georgia) |
| 19. Owen B. Pickett (D-Virginia) | 60. Jim Saxton (R-New Jersey) |
| 20. Thomas C. Sawyer (D-Ohio) | 61. Adam Smith (D-Washington) |
| 21. Vic Fazio (D-California) | 62. George Miller (D-California) |
| 22. Sheila Jackson Lee (D-Texas) | 63. Eliot Engel (D-New York) |
| 23. Calvin Dooley (D-California) | 64. Christopher John (D-Louisiana) |
| 24. Dale Kildee (D-Michigan) | 65. William Delahunt (D-Massachusetts) |
| 25. Eleanor Holmes Norton (D-D.C.) | 66. Tom DeLay (R-Texas) |
| 26. Billy Tauzin (R-Louisiana) | 67. Loretta Sánchez (D-California) |
| 27. Bill McCollum (R-Florida) | 68. Louis M. Slaughter (D-New York) |
| 28. Bob Stump (R-Arizona) | 69. Edward Markey (D-Massachusetts) |
| 29. Walter B. Jones (R-North Carolina) | 70. James Clyburn (D-South Carolina) |
| 30. Albert Wynn (D-Maryland) | 71. Major Owens (D-New York) |
| 31. Tom Davis (R-Virginia) | 72. William Clay (D-Missouri) |
| 32. Tony P. Hall (D-Ohio) | 73. Chaka Fattah (D-Pennsylvania) |
| 33. Joe Skeen (R-New Mexico) | 74. J. Dennis Hastert (R-Illinois) |
| 34. Peter DeFazio (D-Oregon) | 75. Solomon Ortiz (D-Texas) |
| 35. Carrie Meek (D-Florida) | 76. James Oberstar (D-Minnesota) |
| 36. Dennis Kucinich (D-Ohio) | |
| 37. James Barcia (D-Michigan) | |
| 38. Carrie Meek (D-Florida) | |
| 39. Esteban Torres (D-California) | |
| 40. Frank Pallone (D-New Jersey) | |
| 41. Bill Pascrell (D-New Jersey) | |

S. 472

List of Cosponsors

1. Larry E. Craig (R-ID)
2. Bob Graham (D-FL)
3. Daniel K. Akaka (D-HI)
4. Robert Torricelli (D-NJ)
5. Alfonse M. D'Amato (R-NY)
6. Harry Reid (D-NV)
7. Craig Thomas (R-WY)
8. Connie Mack (R-FL)
9. Wayne Allard (R-CO)
10. John B. Breaux (D-LA)
11. John W. Warner (R-VA)

THE WHITE HOUSE
WASHINGTON

December 31, 1996

The Honorable Pedro Rossello
Governor of Puerto Rico
San Juan, Puerto Rico 00901

Dear Pedro:

Congratulations and best wishes as you begin your second term as Governor of Puerto Rico.

I am pleased with the relationship that we have forged on matters concerning the people of Puerto Rico and the United States political family as a whole. Our joint efforts have made important progress toward our mutual goal of ensuring that government works better for our fellow citizens in the Commonwealth. Indeed, I am proud of the progress we have made together to fight crime, to improve the islands' infrastructure, and to expand markets for Puerto Rican products. I have also appreciated your contributions to the priorities of our country, including drug enforcement, working to ensure access to health care for all our people, and for peace and stability in Haiti.

I am delighted by our accomplishments, but I know we still have much to do. I look forward to discussing our common agenda for our second terms soon. As I have indicated publicly, I will be working with Congress to make the tax credit based on wages and other economic activity available for new investments for as long as Puerto Rico needs it. In addition, I will continue to try to find ways of financing more equitable treatment for Puerto Ricans in federal social programs.

And I will also work with you, the islands' other elected leaders, the Congress, and all concerned to establish a process that would enable the fundamental issue of Puerto Rico's political status to finally be resolved.

In this regard, Pedro, I want to publicly applaud your recent statesmanlike call for the process to be one of inclusion. This process should provide options in response to Puerto Rican aspirations and implement an option that obtains majority support. I hope that it can be underway for the centennial of the United States-Puerto Rico relationship next year.

Working together, we can ensure that our great country lives up to its ideals of opportunity for all of our citizens. Hillary joins me in sending our best wishes to both you and Maga on the celebration of this Inauguration.

Sincerely,

A handwritten signature in black ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

National Governors' Association Policy
EC-2. POLITICAL SELF-DETERMINATION FOR PUERTO RICO

The people of Puerto Rico, as natural-born citizens of the United States, possess the same individual liberties as do all other American citizens, including the right to protect and nurture their local culture and linguistic heritage, and to conduct their affairs in accordance with a local constitution compatible with and subordinate to the U.S. Constitution. Most Governors represent constituencies that include American citizens of Puerto Rican descent. Tens of thousands of Puerto Ricans have served our nation with distinction in every United States military conflict of this century; earning numerous decorations, including four posthumous medals of honor, and rising in several instances to the ranks of general and admiral. Without admission to the Union, the residents of Puerto Rico sustained many combat casualties defending United States interests in World War I, World War II, Korea, Vietnam, and the Persian Gulf. Athletes, scholars artists, entrepreneurs, professionals, and laborers of Puerto Rican origin have been contributing throughout this century to the spiritual and socio-economic enrichment of the United States.

It is essential that the final, permanent political status of Puerto Rico be democratically selected by the American citizens who reside there on options ranging from U.S. statehood to sovereign independence.

An absolute majority of Puerto Rico's voters supported a platform seeking Congressional sponsorship of a political status plebiscite for Puerto Rico. Responsibility for making "all needful rules and regulations respecting the territory or other property belonging to the United States" is vested in the United States Congress by Article IV, Section 3 of the U.S. Constitution.

Therefore, in harmony with its long-standing acknowledgment of the importance of self-determination by the people of Puerto Rico as to the status of Puerto Rico, the National Governors' Association urges the 105th United States Congress to enact legislation that will - no later than the 1998 centennial of the United States sovereignty over Puerto Rico - provide a mechanism for political self-determination by the American citizens who reside in Puerto Rico.

Time limited (effective Winter Meeting 1997, Winter Meeting 1999).

Adopted Annual Meeting 1978, revised Winter Meeting 1989; revised and reaffirmed Winter Meeting 1993; reaffirmed Winter Meeting 1995 (Formerly Policy A-6), revised and reaffirmed Winter Meeting 1997.

Mr. YOUNG. Mr. Carlos, Mr. Commissioner, you represent this great, I was going to say Nation, Commonwealth, State, but I would say he represents the Puerto Rican people very, very well. If you have a closing statement?

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman.

On behalf of the people of Puerto Rico, I want to thank you and Mr. Miller and Mr. Underwood for having taken the time out from your recess. I want everybody to realize now, Congress is on a recess until Tuesday; and they have taken their time out of the recess to come to Puerto Rico because of their interest.

As the Chairman has stated, it is not only for the people of Puerto Rico. He recognizes, as does everyone else now, and every day more and more people in Congress are recognizing, this is important for the United States. This is important for all of the people of the United States, because the example and inspiration of democracy throughout the world cannot continue to have a territory or a colony or have 3.8 million U.S. citizens disenfranchised. This is impossible in this day and age.

As we end this century and go into the new millennium, I am sure the Nation wants to solve the problem as we do. So they are taking their time and are very serious about it. I am very confident we will get this bill through the House and be working toward getting it approved in the Senate.

I want to thank every one of you also for being here with us today and the panel for their testimony and each one of you for the wonderful way you approved today. Thank you very much.

Mr. YOUNG. This meeting is adjourned.

[Whereupon, at 3:08 p.m., the Committee was adjourned.]

DUE TO THE COSTS OF PRINTING, ADDITIONAL TESTIMONY RECEIVED FOR THE RECORD
WILL BE KEPT IN COMMITTEE FILES.

Hon. Pedro Rosselló, Governor of Puerto Rico
Hon. Sila M. Calderon, Mayor of the city of San Juan
Hon. Ramón Luis Rivera, Mayor of the city of Bayamon
Hector O'Neill, President, Federation of Municipalities of Puerto Rico
Enrique Vázquez-Quintana, M.D., Party for Free Associated Nation
Arturo J. Guzman, Chairman, I.D.E.A. of Puerto Rico
Dr. Luis Nieves Falcón, Coordinator, and Jan Susler, Attorney at Law
Fermín L. Arraiza Navas and Fermín B. Arraiza Miranda
Eduardo González
Juan G. Muriel Figueras
José Garriga Pico
Efraín Hernández-Arana