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U.S.-PUERTO RICO POLITICAL STATUS ACT

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U.S.-Puerto Rico Political Status Act... **NG**
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**SUBCOMMITTEE ON NATIVE AMERICAN & INSULAR
AFFAIRS**

OF THE

**COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

H.R. 3024

**TO PROVIDE A PROCESS LEADING TO FULL SELF-GOVERNMENT
FOR PUERTO RICO**

MARCH 23, 1996—SAN JUAN, PI

Serial No. 104-87

Printed for the use of the Committee on Resources



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U.S.-PUERTO RICO POLITICAL STATUS ACT

SATURDAY, MARCH 23, 1996

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIVE
AMERICAN AND INSULAR AFFAIRS, COMMITTEE ON RE-
SOURCES,

San Juan, Puerto Rico

The subcommittee met, pursuant to notice, at 10:00 a.m., at Government Reception Center, Old San Juan, Puerto Rico, the Honorable Don Young [Chairman] presiding.

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

Mr. YOUNG. It is my intention to keep our hearing on schedule. This is the first hearing in Puerto Rico on the Legislation H.R 3024 United States-Puerto Rico Political Status Act.

I will make an opening statement, and then I will recognize Mr. Romero-Barceló, as your delegate, and then alternate between each member of the committee.

I would like to thank the members for being here for this hearing, this historical moment, and the audience, which I hope will participate in the feeding of information.

When I became chairman I made the decision to bring the United States Government to the people, and have hearings in the areas in which the people are affected.

It is an honor to be here today in this internationally renowned city of San Juan—in the gorgeous weather—regarding an issue that has gone unresolved for many centuries: providing a process leading to full self government of Puerto Rico.

[Applause.]

Mr. YOUNG. Let me thank our distinguished witnesses for their willingness to appear before the subcommittee today and share their differing views—and I mention that differing views regarding legislation now pending in the Congress, and the subject of this hearing, the United States-Puerto Rico Political Status Act of H.R. 3024.

We received a large number of requests to testify from many sectors of Puerto Rico. Although the amount of time available for today's hearing has limited the number who will present their testimonies orally, all other requesters have been notified by letter that they may submit their written statements for the official hearing file.

All of the testimonies submitted will be reviewed and considered as the bill moves through the legislative process. All of your input is valued and appreciated.

I also want to thank the Legislature of Puerto Rico, and I am addressing all members of all parties for their cooperation with this hearing. I understand that some may not be in favor of the pending legislation, but again, I thank you for your cooperation.

It is indeed appropriate for the second hearing of the 104th Congress on the issue of Puerto Rico's status be held near the Capital. It is the Legislature of Puerto Rico who called upon the 104th Congress to respond to the results of the 1993 status plebiscite and to indicate the next steps in the process to resolve Puerto Rico's status.

We are here today fundamentally because of a very special document—a very special document—the Constitution of the United States.

The United States is a constitutional democracy, which means the government of the people, based on the provisions of the Constitution.

The roles of the Presidents, the courts, and the Congress are defined by the Constitution.

Congress is given the responsibility for territories. According to Article IV, "The Congress 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."

In the Congress, it is the Committee on Resources of the House that has jurisdiction for those territories. In other words, the buck stops here. I know from experience that territorial issues can be difficult to resolve.

When the Legislature of Puerto Rico enacted Concurrent Resolution 62, asking the 104th Congress to respond to the results of the 1993 status plebiscite, and to indicate the next steps necessary for Puerto Rico to resolve the status issue, I realized we should base a legislative proposal on the proven successes of this century.

If you'll look at the display behind me, there have been 10 areas under the sovereignty or control of the United States during the 20th century which have attained permanent self government.

Five of these became separate sovereigns, as either independent or freely associated States; and the other five territories became States of the Union.

Full self government has generally been developed in three stages involving an initial decision, a transition period, and an implementation act.

In the case of the Philippines, which also came under United States sovereignty with Puerto Rico under the Treaty of Paris, there was an initial decision in 1916 by the United States—in the Philippines to seek separate sovereignty.

In 1934, Congress enacted a 10-year transition plan for the Commonwealth of the Philippines, which culminated with an independence act in 1946, from 1916 to 1946.

The latest areas under United States Administration to gain self government are the free associated States of the Marshall Islands, Palau, and the Federated States of Micronesia.

Although Puerto Rico experienced increased self government during the first half of the 20th century, these critical stages of development of full self government have yet to occur.

It is clear that in order for Puerto Rico to advance toward full self government in an orderly manner, legislation must provide for these three stages, beginning with an initial decision of choices defined by Congress and approved by the people of Puerto Rico.

I want to stress that. Being from Alaska we went through the same thing. Defined by Congress and approved by the people of Puerto Rico.

The United States Puerto Rico Political Status Act, H.R. 3024, uses all three historical stages to provide a careful and slow process leading to full self-government.

Let me explain this three stage process of the United States-Puerto Rico Political Status Act.

First, it helps to envision the process leading to full self government as a road map, with Puerto Rico as the car.

Although Puerto Rico made remarkable progress in local self government by mid-century, with the direct election of Governor and the authorization and conditional approval by Congress of a local constitution, there has been no other significant advances in self government.

Clearly Puerto Rico has eclipsed all other territories in the level of self government at that time. Only Puerto Rico elected their governor and operated under a local constitution.

However, since that time, the other territories have either become fully self governing, or have also reached a similar level of self government. For over 40 years, Puerto Rico has been poised at the junction of different paths toward self government.

On April 18, 1952, President Harry Truman responded to a letter of Governor Muñoz regarding the recent adoption of the Constitution of the Commonwealth of Puerto Rico by stating, "I think we have made great strides. The adoption of the constitution that personally gives Puerto Rico the status of a State in the Union is a wonderful step in the right direction."

That was President Truman.

The initial decision stage of the legislation permits Puerto Rico to decide which path to follow toward self government—either separate sovereignty leading to independence, or free association, or United States sovereignty leading to statehood.

The vote would be conducted by Puerto Rico before the end of 1998. The President then would send Congress a Transition Plan for full self government based upon the outcome of the referendum.

After Congress passes the Transition Plan, Puerto Rico would have another vote. If the Transition Plan is not approved in the second Transition Stage Referendum, the Commonwealth of Puerto Rico would remain at the fork in the road as an unincorporated territory.

However, if the Transition Plan is approved, Puerto Rico moves forward along the path toward self government in a 10-year transition.

The final implementation of stage begins at least two years before the end of the transition period with the President sending Congress a proposed Implementation Act.

After Congress passes the Implementation Act, the third vote is held in Puerto Rico. If the Implementation Act is not approved, Puerto Rico remains under the United States sovereignty.

However, if the Act is approved, Puerto Rico arrives at the end of the path and attains full, permanent, full self government, either through separate sovereignty of independence, or free association, or through the United States Sovereignty and Statehood.

During this century, the number of years it has taken for areas under United States control to achieve full self government has varied greatly. And I want to stress that. If you look at that, this century has taken a lot of different time for different areas.

Cuba became independent in three years, and Oklahoma became a State after 104 years.

Under the timeframes set forth in the legislation for the development of full self government, including a 10-year transition, Puerto Rico can reach full self government in the year 2010, or after 113 years of United States government control. The longest time for any territory.

The territorial clause will no longer apply when Puerto Rico becomes a separate sovereign or a State.

I believe full self government will be in the best interests of both the United States and Puerto Rico, whether as a separate sovereign, or as a State of the the Union.

The people of Puerto Rico have a right to be fully enfranchised—not defranchised—enfranchised, either on their own as a separate sovereign, or within the United States political system as a State.

I look forward to hearing the testimony after the other Congressmen make their presentations. I am open to suggestions. I want to stress that. I am open to suggestion. This is a hearing process.

I am open to suggestion to improve the bill, as long as it remains consistent with the overall objective to provide a process leading to full self government for Puerto Rico.

Thank you.

[Applause.]

[The prepared statements of Hon. Don Young and Hon. Elton Gallegly follow:]

STATEMENT OF HON. DON YOUNG

Today, the introduction of the "United States-Puerto Rico Political Status Act" will, for the first time in nearly a century of U.S. administration, provide a Congressionally recognized frame work for the inhabitant of Puerto Rico to freely express their wishes regarding the options for full self-government.

I want to acknowledge the insightful leadership of Speaker Newt Gingrich in working with the Committee to formulate a process to advance the U.S.-Puerto Rico relationship towards a conclusive one of full self-government.

A number of Members have been supportive and instrumental in the development of the legislation, including Elton Gallegly, Chairman of the Subcommittee on Native American and Insular Affairs of the Committee on Resources, Ben Gilman, Chairman of the Committee on International Relations, and Dan Burton, Chairman of the subcommittee on the Western Hemisphere who co-chaired with Mr. Gallegly the October 17, 1995 joint hearing on the 1993 Puerto Rico status plebiscite. There also has been substantial input from Members on the other side of the aisle.

This matter of tremendous importance to the United States and the nearly 4 million U.S. citizens in Puerto Rico can only be resolved by adhering to constitutionally and internationally based principles and standards for full self-government.

While many may misconstrue this legislation to be designed to benefit one local Puerto Rico political party over another, it is in fact a serious bipartisan effort to enact into law a pragmatic process with the long-term objective of resolving the

Puerto Rico dilemma. The legislation divides the process into three manageable stages which follow historical precedent set by the Congress in providing for final political statuses of territories and trust territories during this century.

After 400 years of colonial rule by Spain ended in 1898, it should not have taken another 100 years of American administration of the U.S. Congress to define the options for full and permanent self-government.

The United States-Puerto Rico Political Status Act permits full self-government to be realized in Puerto Rico in definitive steps, with a smooth transition to whatever form of full self-government the people choose: Independence, separate sovereignty in free association with the United States, or Statehood.

STATEMENT OF HON. ELTON GALLEGLY, A U.S. REPRESENTATIVE FROM CALIFORNIA;
AND CHAIRMAN, SUBCOMMITTEE ON NATIVE AMERICAN AND INSULAR AFFAIRS

Congress has a Constitutional responsibility to act to provide a process for full self-government for Puerto Rico. Political Status Act will permit the United States and Puerto Rico to cooperatively advance down the path of full self-government selected by the people of Puerto Rico.

Congress is providing the structure for attaining full self-government in Puerto Rico—consistent with Constitutionally and internationally based standards and principles, with definite time frames for action. By the year 2010, Puerto Rico could be a separate sovereign and member of the United Nations, or a state of the Union.

Let me note that it is not only Puerto Rico self-determination which is involved. The United States also has a right to self-determination. That is why both the United States and Puerto Rico are included in the title of this bill both the United States Congress and the people of Puerto Rico are required to take their respective step in approving each stage in the process prescribed in the bill in order attain full self-government.

This is a monumental undertaking, but one deserving of the energy and time required. The co-sponsorship of this bill by Speaker Gingrich is indicative of the importance of this matter to this body. The people of Puerto Rico deserve nothing less than a clearly defined process leading to a full self-government relationship with the United States—whether that be without or within the sovereignty of the United States. Either choice is acceptable as status alternatives of full political dignity.

Mr. YOUNG. Now I recognize the former governor, Romero-Barceló, a good friend of mine that serves on the committee. Governor?

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

And, Mr. Chairman, first I would like to offer here a statement by ranking minority member, Congressman George Miller, who has asked me to submit this for the record as his statement.

Mr. YOUNG. Without objection, so ordered.

[The prepared statement of the Hon. George Miller follows:]

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

Today's hearing by the Subcommittee on Native American and Insular Affairs marks another important step towards a goal we all share: the determination of a permanent political status for Puerto Rico.

The decision of status must be made by the voters of Puerto Rico—clearly, decisively and credibly. Past efforts, including the plebiscite of 1993, did not yield the clear results that are needed to permit the Congress of the United States to consider the status question.

Any new plebiscite must result in a decisive statement by a majority of Puerto Rico voters. And to be credible, that vote must be free of any taint of pressure or bias. In my view, H.R. 3024 as introduced will not pass that test, and would not produce a result that would be viewed credibly by the United States Congress, and properly so.

H.R. 3024 plays games with the plebiscite process by prohibiting voters from choosing an option—Commonwealth—that is not only a legitimate and longstanding political faction among voters, but also is the option selected by a plurality in the 1993 plebiscite.

The Commonwealth option, like the other options placed before the voters, must be realistic and unbiased. These options should state the legal and factual ramifications

tions of each status choice. And Puerto Rico voters should be able to make their decision without being forced to choose from what they may regard as the lesser of two evils.

If this legislation is amended to present a fair and credible Commonwealth option, or other options that reflect the views of a significant portion of the electorate, I will be pleased to support its passage. Otherwise, we will offer amendments to ensure that the Congress does not prejudge the voters of Puerto Rico by limiting their choices unfairly. I note with satisfaction editorials in the *San Juan Star & El Nuevo Dia* just this week endorsing this position which I proposed earlier this month.

We all seek a decisive result from the next plebiscite, and I recognize that some who favor H.R. 3024 in its present form believe the limitation of choices is the only way to produce a clear winner. In my view, the end simply does not justify the means because the provisions of H.R. 3024 taint the electoral process and, by so doing, taint the outcome itself.

I personally endorse no particular long term status for Puerto Rico. That is very much a decision for the people of Puerto Rico themselves without pressure from the Congress. I am hopeful this legislation can and will be amended as I have recommended so that we—and especially the people of Puerto Rico—can move forward to resolve finally this hundred year old question of status.

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

Mr. ROMERO-BARCELÓ. Mr. Chairman, first of all I would like to welcome you, Mr. Young, as chairman of this Resource Committee, to Puerto Rico. And welcome, Mr. Burton, our chairman of the Western Hemisphere subcommittee, and my fellow Committee Members and good friends, Congressman Neil Abercrombie, Patrick Kennedy, and Bob Underwood, and the distinguished gentleman from Wisconsin, Toby Roth. Welcome to Puerto Rico, the Shining Star of the Caribbean.

I would also like to take this opportunity to publicly thank you, Mr. Chairman, for your interest in matters related to Puerto Rico, and for your commitment to achieve full self government, and to put an end to the disenfranchisement of the 3.7 million American citizens that reside on the Island.

Furthermore, I want to thank the three newest cosponsors of this bill, Congressman Wayne Gilchrist, Richard Pombo, and Michael Forbes.

Both Mr. Gilchrist and Mr. Pombo are very distinguished Members of this Committee, and their addition brings the total of the Resources Committee cosponsors to fourteen. And 41 members are so far cosponsoring this bill.

Mr. Chairman, when you introduced the United States-Puerto Rico Political Status Act a couple of weeks ago, few people on the Island took this effort seriously.

Many saw this legislation as just another status bill with no possibility, a bill that was dead on arrival, a bill that would fade away like so many others in the past.

Two weeks and 41 Congressional cosponsors later—including among them the Speaker of the House of Representatives, Newt Gingrich—we meet in the historical city of San Juan, the oldest city in the United States, to continue building upon a process that suddenly seems to be very serious, even to the most skeptical minds.

I believe that the presence of seven Members of Congress here today attests to the seriousness of this effort.

As we begin today's vital discussions, and hear from the very distinguished panelists representing the entire political spectrum of the Island, I believe that it is of the utmost importance that we put this event in the proper perspective.

Puerto Rico became a possession in 1898. Nineteen years later, in 1917, U.S. citizenship was granted to all Puerto Ricans pursuant to the terms of the Jones Act.

For nearly 80 years we have cherished and valued that citizenship with our hearts and our minds and have defended it with our blood.

Nearly 200,000 Puerto Ricans have served in the United States in this century's major wars. Many paid the ultimate price for the cause of democracy, more so than in any other U.S. territory prior to their becoming a State, and in more than many States of the Union.

The Commonwealthers, and even the independentistas, for they advocated for a combined Puerto Rico and U.S. citizenship in the 1993 plebiscite independence definition, will have to agree with me that the U.S. citizenship is something that the vast majority of Puerto Ricans, over 95 percent, I would say, treasure deeply.

However, the citizenship that we enjoy in Puerto Rico is less than equal to that of our fellow citizens in the 50 States.

We are not empowered to give consent to the policies or decisions of the government under which we live, through proportional voting representation in Congress, or voting in National elections.

Neither are our rights as citizens as secure as those of our fellow citizens in the States. Nor do U.S. citizens living in Puerto Rico receive equal treatment under Federal policies and programs.

The fact that Puerto Ricans do not pay Federal income taxes is often used by both the executive and the legislative branches of the Federal Government to justify this political and economic discrimination and unequal treatment.

Mr. Chairman, ours is a colonial relationship that clearly contradicts the basic tenets and principles of democracy, one in which Puerto Rico's economic, social, and political affairs are, in large degree, controlled and influenced by a government over which we exercise no control, and in which we do not participate.

Our Nation cannot continue to preach and, at times, attempt to enforce democracy throughout the world while at the same time it continues to disenfranchise and deny political participation and economic equality to 3.7 million of its own citizens.

Therefore, the real issue is how can we enable the U.S. citizens of Puerto Rico to achieve a first-class citizenship?

The answer to this fundamental question was clearly expressed in the February 29, 1996 historic letter that Chairman Young, Ben Gilman, Elton Gallegly, and Dan Burton sent to the leadership of the Puerto Rico Legislature.

If we are ever to resolve Puerto Rico's status dilemma, the choices to do so are clear:

(1) equality of benefits and burdens, rights and responsibilities, known to be attainable by the U.S. citizens of Puerto Rico only through statehood. or,

(2) the establishment of a Puerto Rican citizenship through separation from the Federal union and commencement of a new era through a treaty based or bilateral pact relationship.

Mr. Chairman, the masquerade is over. It is time for the pretending, the partisan mischief, and the dysfunctional political status process in Puerto Rico to end.

It is time for all of us to put hypocrisy aside and be truthful about what the real choices are for Puerto Ricans.

It is time to decide if we want to have full self government, and full empowerment, that will allow us to search for a brighter future, or if we would rather live hanging on to an outdated colonial relationship of the past.

As we approach a century of U.S. sovereignty over Puerto Rico, the time has come to empower the people by giving them the clear choices which they understand, and which are truly decolonizing so that we can reveal Puerto Rico's true desire through a legitimate act of self determination.

The bipartisan initiative that we are considering today seeks to resolve, once and for all, the long standing Puerto Rico status dilemma by providing a Congressionally recognized process that would allow true Puerto Rican self determination for the first time since the U.S. acquired control over the territory of Puerto Rico nearly 100 years ago.

I am both appalled and amazed by the fact that the Commonwealth party leadership has labeled this bill as undemocratic. They have compared you, Mr. Chairman, with Adolf Hitler.

Well, the fact is that this criticism is coming from self proclaimed "leaders" who, while they preach democracy on one side, they would like to perpetuate a relationship that disenfranchises its own people, and denies them a vote, and equal participation in the decisionmaking process of their Nation.

"Leaders" that would rather keep corporate welfare in billions of dollars worth of tax credits for U.S. companies operating in Puerto Rico then have our elderly, our persons with disabilities, and our children receive the same opportunities and treatment under Federal programs that their fellow citizens in the 50 States receive.

"Leaders" that promised the "best of two worlds" but have not been able to deliver on a single one of those promises.

"Leaders" that want all the benefits of U.S. citizenship but none of its responsibilities.

"Leaders" that want some of the sovereignty that comes only with independence but expect to keep their U.S. citizenship also.

If the Congressional intent here is to establish a process to resolve Puerto Rico's colonial dilemma permanently, then Commonwealth should not be included as an option, because Commonwealth means disenfranchisement. And that, Mr. Chairman, is the problem.

As my good friend and colleague from New York, Congressman Jose Serrano, has said, "If you want to take the pulse of the people, see what they like, then Commonwealth should be included.

However, if the intent is to start a truly decolonizing process, then this bill is the right approach."

I do have to say that I look forward to Governor Pedro Rossello's testimony, particularly as it pertains to this subject.

Even though I believe that the Commonwealth formula is inconsistent with the purposes of this bill, I am open to the idea of including it as one of the options, so long as it is defined by Congress, and is not a dishonest "wish list" prepared by those who want to have their cake and eat it too.

When history demands upon a people, they must either rise to the occasion, or live with the consequence of their inaction.

In this, the last decade of the 20th century, the United Nation's proclaimed decade of decolonization, history demands that the people of Puerto Rico take control of their own destiny.

To ignore the situation of Puerto Rico—that is, to ignore our disenfranchisement—is to betray the spirit of our own democratic values.

Mr. Chairman, and fellow Members, I want once again to thank you for your interest, and your attention to this vitally important matter.

I look forward to the testimony of our distinguished guests and to further an expeditiously Congressional action on this subject.

The 3.7 million U.S. citizens in Puerto Rico deserve no less.

And, Mr. Chairman, just some final words.

Some decades ago our nation decided in the south that a white majority could not disenfranchise an Afro-American minority. Here in Puerto Rico we have a political party, a political group that not only purports to maintain a minority disenfranchisement, but it purports to maintain all of the people of Puerto Rico disenfranchised, all of the citizens of the United States in Puerto Rico, 3,700,000.

How can disenfranchisement be tolerated in a democracy?

Thank you, Mr. Chairman.

Mr. YOUNG. I thank the gentleman. A very eloquent presentation.

[Applause.]

Mr. YOUNG. At this time I'd like to recognize the Congressman, Dan Burton, the subcommittee chairman of International Affairs, Mr. Burton.

STATEMENT OF THE HON. DAN BURTON, A U.S. REPRESENTATIVE FROM INDIANA

Mr. BURTON. Thank you, Mr. Chairman.

Governor, Mr. Mayor, distinguished guests, it is great to be here to see this great outpouring of democratic action. I don't think I have ever been to a meeting that was so well attended, in the streets and every place else, and so we really appreciate your enthusiasm.

This is a very timely event, something that has been a long time in coming, and I think that we are approaching the time when we are going to finally resolve the problems that we have been talking about regarding independence, statehood, or Commonwealth.

I would like to thank my colleague, Don Young, Chairman of the House Committee on Resources, for this opportunity to have this hearing on the United States-Puerto Rico Political Status Act.

As chairman of the Western Hemisphere subcommittee, I have the desire and the responsibility to examine the political preferences of the people of Puerto Rico.

After all, the U.S. territories, including Puerto Rico, are governed by or under the authority of Congress, pursuant to the territory clause.

Further, the future political status of the island has broad implications with respect to both National and international policy, and I believe, security as well.

As you know, on December the 14th, 1994 the legislature of Puerto Rico adopted Concurrent Resolution 62 which sought Congressional guidance regarding the results of the 1993 plebiscite.

Recently, Don Young, Ben Gilman, Elton Gallegly, and myself, the chairmen of the committees that deal with the status of Puerto Rico, responded in writing to Concurrent Resolution 62.

I would like to, at this point, Mr. Chairman, insert this in the record, so that it will be made part of the record.

Mr. YOUNG. Without objection, so ordered.

Mr. BURTON. The letter expresses clear, very clear Congressional intent with respect to Puerto Rico and its inhabitants, and any future actions hereto would be within the framework of the policy expressed in that letter.

Today, we are here to discuss H.R. 3024, the United States-Puerto Rico Political Status Act. Essentially, the bill would provide a process of self determination and a path toward a permanent status for Puerto Rico.

Under the bill, a plebiscite would be held not later than December 31st, 1998. And approval of a status option must be by a majority of the votes cast.

Voters will be presented with two status options in the bill: one, the path of separate Puerto Rico sovereignty leading to independence or free association. And, two, a path under United States sovereignty leading to statehood.

In the 1993 plebiscite—and this is very important—the definition of the Commonwealth option received a plurality of the votes.

However, as my colleagues and I have detailed in our letter to Concurrent Resolution 62, the Commonwealth definition in that plebiscite was both unworkable and unconstitutional.

As drafted, that option would have established a bilateral pact where Puerto Rico would be granted veto power over all Federal and Congressional actions.

Such a pact is highly unlikely, because Puerto Rico is currently an unincorporated territory subject to the authority of Congress under the territorial clause.

If Puerto Rico was not a territory of the United States, then the Resources Committee and Congress would have no jurisdiction, and we would not be here today to discuss this important issue.

Furthermore, the only viable status options that could be based on an unalterable bilateral pact are free association and independence.

The results of the 1993 plebiscite clearly reflect that the people of Puerto Rico want a change in the island's current status.

In this light, the status quo does not seem to be consistent with the wishes of the people.

In addition, the current relationship between the United States and Puerto Rico is constantly changing. For example, in Fiscal

Year 1995, Puerto Rico received \$12 billion in Federal transfer payments, including Section 936 tax credits.

Given the current deficit reduction efforts in Congress, however, it is clear, very clear, that Section 936 will be significantly reduced or eliminated in the future.

This uncertain climate will simply not provide Puerto Rico with the economic and social stability that it needs to prosper.

Therefore, Congress needs to clarify the various options for a permanent status and self government.

H.R. 3024 provides Puerto Rico with realistic and achievable status options. Many supporters of the Commonwealth have criticized the Young bill because the Commonwealth option will not be on the ballot in the form that it appeared in the 1993 plebiscite.

This charge deserves to be addressed, and I understand that Chairman Young will consider this possible change. However, if this occurs, the correct definition of Commonwealth must be what is on the ballot, as defined by the Constitution of the United States and the Congress.

In the event that the people of Puerto Rico do not exercise their right to self determination, Commonwealth will continue to exist until Congress unilaterally determines Puerto Rico's disposition and the status of its inhabitants.

Regardless, under H.R. 3024, Commonwealth has a distinct advantage over independence, free association, or statehood.

For any of these options to replace Commonwealth, the voters in Puerto Rico must approve the change three times by majority over a period of 10 years.

On the other hand, a defeat in any one of these votes will keep the status quo in effect.

Chairman Young specifically incorporated this into the bill to ensure that Congress does not implement any new policies directly impacting Puerto Rico that are not supported by a majority of the island's residents.

Nevertheless, let me be clear in stating that Commonwealth remains an option in the bill, a possible option in the bill, and that Congress has the authority, as I said, and the duty, to define what the options will be.

As stated in my response to Concurrent Resolution 62, the 1993 plebiscite Commonwealth definition was both unrealistic and unconstitutional.

Therefore, it must be defined as an unincorporated territory subject to the jurisdiction of the Congress of the United States. It cannot be considered a permanent status.

On a final note, I would like to emphasize that the continued uncertainty over Puerto Rico's political status does not serve the best interests of the mainland United States or Puerto Rico.

As such, I encourage my colleagues to move forward on H.R. 3024. I believe this bill provides an opportunity to work together with the people of Puerto Rico and forge a consensus relationship between them and the mainland.

In this respect, and in the interest of mutual prosperity, I look forward to hearing from our witnesses, and I thank you, Mr. Chairman.

Mr. YOUNG. Thank you.

[Applause.]

Mr. YOUNG. I thank the gentleman, the chairman, Mr. Burton. At this time I would like to recognize the Congressman Abercrombie from Hawaii, my sister State. Congressman, you're on.

**STATEMENT OF THE HON. NEIL ABERCROMBIE, A U.S.
REPRESENTATIVE FROM HAWAII**

Mr. ABERCROMBIE. Thank you very much, Mr. Chairman. Buenas dias, Puerto Rico.

I bring you greetings from the 50th state of Hawaii, the rainbow State. Aloha, aloha, noeloha.

I join with Mr. Young, our 49th state, and Hawaii, the 50th State. Hawaii, as you know, and the people of Hawaii are an island people. And so I feel a very close relationship with the people of Puerto Rico.

I, too, was excited by the enthusiasm coming here today. I am here to listen. I feel an obligation and responsibility as a representative of urban Honolulu in the rainbow State, the last State to enter the Union, to pay respectful attention to the views being expressed today.

I look forward to hearing from you. I look forward to the resolution of this issue. And I thank you once again with a mahalo nuiloa, thank you very much for the opportunity to be here with you in Puerto Rico today. Viva la gente!

[Applause.]

Mr. YOUNG. I thank the gentleman from Hawaii, and I also have great sympathy for the Interpreter.

At this time I'd like to recognize the gentleman, Mr. Roth from Wisconsin. Mr. Roth.

**STATEMENT OF THE HON. TOBY ROTH, A U.S.
REPRESENTATIVE FROM WISCONSIN**

Mr. ROTH. Thank you very much, Mr. Chairman. I appreciate being invited to be here today, and I compliment you, Mr. Chairman, for coming all this way to have this hearing. And I enjoy being with the members of this panel, all of them my friends.

Mr. Chairman, Puerto Rico for me is a special place, and the Puerto Rican people are a special people.

I came to this wonderful island sometime ago and was struck by how proud the Puerto Rican people are of their heritage.

I attended school in the early sixties with young men and women from Puerto Rico at Marquette University in Milwaukee, and later on at the University of Wisconsin.

I have found the Puerto Rican people to be a proud people, and they should be proud. Puerto Rico's culture is rich with history and language, and has impressive monuments that are unique to the people of Puerto Rico.

From the island's historical figures, like Ponce de Leon, their first governor, to the history making battles fought at El Morro, Puerto Rico has a rich legacy that sets it apart from any other nation.

Since 1917, that legacy has been intertwined with the United States. Puerto Rico and the United States formalized the Commonwealth relationship they have enjoyed since 1952.

For over four decades, both peoples have benefited from this association, and the mixing of cultures, languages, and heritage have made both countries richer and more diverse.

Today, this special relationship continues to be an issue that excites the passions of the Puerto Rican people.

It seems that, once every generation, the island reevaluates its political status and revisits the issue by putting its future in the hands of the Puerto Rican people. Such was the case in 1967, and again, just recently, in 1993.

This is clearly not a matter to be taken lightly. Congress has a role to play in the resolution of this issue.

But I believe that the proper role for that lies in respecting the wishes of the Puerto Rican people, and acting on the democratically expressed decision regarding their political status.

[Applause.]

Mr. ROTH. I have always maintained a strict neutrality on this issue. I don't have a position on the political status question. My only interest is in being here today to ensure that the people of Puerto Rico have the freedom of choice when deciding their fate.

[Applause.]

Mr. ROTH. The relation between our two Nations, between the United States Congress and the Puerto Rican people, has always been one based on mutual respect and faith in the democratic principles of government.

The only way to continue this democratic tradition is to present the people of Puerto Rico with all the options available to them and let them decide.

It would seem to me that they expressed their views three years ago, when the Commonwealth option won a clear plurality of the votes.

There are some people in Washington and in Puerto Rico who would like to overlook the results of that referendum, or at least cast doubts on their legitimacy. I believe that it would be a mistake.

The 1993 plebiscite was a fair expression of the Puerto Rican people's will.

[Applause.]

Mr. ROTH. It was called by the duly elected government in power, and it was held on the government's terms. I see no reason to effectively nullify the results of this referendum, and I think it the Congress's duty in this matter to respect, respect the expressed views of the Puerto Rican people.

[Applause.]

Mr. ROTH. Puerto Rico and its citizens may freely decide to revisit this issue. That is their right as a self governing nation. However, no other country or government or individuals or those governments should intervene or meddle in the local political matter.

I believe the United States Congress shares my views that the people of Puerto Rico, and they alone, should decide the political status of their island.

I respect the people of Puerto Rico. I feel that the people of Puerto Rico can decide their own fate. They don't need other people coming in here telling them what to do. Let the people of Puerto Rico decide.

[Applause.]

Mr. YOUNG. I thank the gentleman. And may I remind the audience, you have now seen democracy at work. This is what this all about. This is a hearing process, and although Mr. Roth gave us a very emotional presentation, just keep in mind that Mr. Roth will not be with us next year.

[Laughter and applause.]

Mr. YOUNG. But I have also again tried in my ability to do the thing that is correct, and that is to have a hearing process go forth, to listen to people constructively and try to solve this issue where Puerto Rico is going to be in the future.

At this time I would like to recognize another gentleman who has the interests of Puerto Rico, and his own territory, Mr. Underwood from Guam, much further away even than Puerto Rico. Congressman Underwood, please.

STATEMENT OF THE HON. ROBERT UNDERWOOD, A U.S. DELEGATE IN CONGRESS FROM THE NON-SELF GOVERNING TERRITORY OF GUAM

Mr. UNDERWOOD. Thank you, Mr. Chairman.

And Buenas dias to the people of Puerto Rico.

I represent, as many of you know, an area of the United States that is exactly on the opposite end of the world. Yet my own home island of Guam is linked to Puerto Rico in many ways. And in many ways historically.

And these are ways in which I am constantly reminded, not only by the kind of ambiance that I feel here, but also the fact of histories being intertwined.

Both Guam and Puerto Rico became part of the American framework through the Treaty of Paris and in the Spanish-American War, and as a result of the Spanish-American War we, the conflict really produced four island children: Cuba, and the Philippines, which have since been resolved. And the two remaining children are Puerto Rico and Guam.

I certainly wouldn't want to characterize those children as problem children, but they certainly remain as challenges for the peoples involved, and certainly for the United States.

I would like to congratulate you, Mr. Chairman, for holding this hearing in Puerto Rico and for, I think, establishing a Federal responsibility toward the resolution of political status.

I think one of the great defects perhaps in the process of discussing political status is the lack of a clear Federal policy in terms of that, and a clear Federal process.

I am committed to the full resolution of political status issues, but I am committed to the full resolution only with the full exploration of political status options.

I think any kind of political status resolution process which attempts to disguise, or perhaps eliminate options, is one that is not tolerable.

I believe, and I am committed, to full consultation with the peoples involved, and respect for the process of self determination. And I believe, and I remain committed to the idea and the recognition that there are unique, historical developments for some peoples. And that whether it is under the U.S. flag, or separately from the

U.S. flag, or with the U.S. flag under some special conditions, I fully accept the fact that there may be some special conditions in recognition of unique historical circumstances.

Some people may characterize that as having your cake and eat it too, but I prefer to think of it as getting your just desserts.

It is an honor to be here, and it is also an honor to bear witness to the spirit and the intensity with which the various positions are articulated here in Puerto Rico.

I only wish that every community that I come into contact with could be as spirited and as committed as you are.

Thank you, Mr. Chairman.

[Applause.]

Mr. YOUNG. At this time I will recognize our most junior member on the committee, which I have great hope and aspiration for, if I can just get him away from George Miller a while we might make progress. I'd like to recognize Mr. Kennedy. Congressman Kennedy, you're on.

**STATEMENT OF THE HON. PATRICK KENNEDY, A U.S.
REPRESENTATIVE FROM RHODE ISLAND**

Mr. KENNEDY. Thank you, Mr. Chairman.

Buenas dias.

Last evening I had the opportunity to fly into Gov. Muñoz-Marín Airport, and it gave me a great deal of pride to know that my uncle, President Kennedy, was a great friend of Gov. Muñoz Marín.

In 1962 President Kennedy had a vision for Puerto Rico, so that Puerto Rico could develop itself, and its economy, and its way of life for all of its people.

Today I am pleased to be joined with my colleagues in working toward the next logical step called for by President Kennedy, and that step, I believe, is H.R. 3024.

H.R. 3024 is a step which ultimately belongs to the 3.7 million people here in Puerto Rico. But, for the record, let me say that given the same choice, in the same set of circumstances, I would, without any reservation, choose for Puerto Rico to become the 51st State of the United States of America.

[Applause.]

Mr. KENNEDY. As a territory of the United States, Puerto Rico has become the shining star of the Caribbean, and in large measure it has been because of its Commonwealth status.

But unfortunately, as a territory, the scope of Puerto Rico's future, going forward, is limited under a Commonwealth status.

The day of Puerto Rico—

[Applause.]

Mr. KENNEDY. The day of Puerto Rico being able to quote/unquote have the best of both worlds, because of its Commonwealth status, are coming to an end.

You only need to look at this Congress, and I know as active and as interested as anyone is, in the political processes going on in the United States Congress, that they understand what I mean when I say that we are going through changes right now in the United States of America, in the United States Congress. And it's important that Puerto Rico keep up with the dynamic changes that are taking place.

With the forthcoming budget reductions in the Congress, in its budget, there will be less money allocated for Puerto Rico in discretionary entitlement funds. And it is misleading to assume that the citizens of Puerto Rico will continue to prosper under Commonwealth status when their very coveted 936 tax and economic status, that has defined Puerto Rico and the United States relationship, is itself beginning to come under review and change.

As a State, the wealth of opportunities available to Puerto Rico are boundless. In the United States Congress you'd have Representatives and Senators who could vote for you, who could fight for you, who could work for you.

[Applause.]

Mr. KENNEDY. And, Mr. Chairman, this is the essence of representative democracy.

In my State of Rhode Island I am fighting very hard for my constituents, very hard for their health care, very hard for their education, and their ability to work and earn a living.

I know that you want your representatives to have the same power to vote as I have in the United States Congress.

[Applause.]

Mr. KENNEDY. Just for a moment, with respect to us telling the people of Puerto Rico what's in their best interests, let me just say, under the current territorial status, we in the Congress could pass English as an official language. And as a territory you'd have to comply with it, even though it may run contrary to your own wishes.

And, to me, that is the affront to the people of Puerto Rico. That is where your self determination is being at the expense of.

And when you look at the number of wars that the people of Puerto Rico have fought on behalf of the United States of America, and yet they weren't even able to vote for their commander-in-chief, even though they were willing to lay down their lives for the people.

[Applause.]

Mr. KENNEDY. In conclusion, let me just say that I believe, once again, that the shining star of the Caribbean will make an even more bright shining star as the 51st State in the United States of America.

[Applause.]

Mr. YOUNG. Again, may I express, this is democracy. If you notice, that there's two speakers at both ends, and then you have the middle. So I deeply appreciate the process which we go through.

Now we'll get to the witnesses. And I could remind my good friends in the audience, those that have strong feelings on both sides, if you interrupt too often for the fine testimony that will occur, that means you possibly could take time from the testimony.

So, when I wave this little gavel down, you don't have to pay attention to it, but I'd appreciate it if you would try to watch it real close. It helps things go along pretty good.

I would like to at this time, and it gives me great honor, to introduce the Honorable Pedro Rossello, Governor of Puerto Rico. Governor?

[Applause.]

Mr. YOUNG. Before the Governor gives his testimony I'd like to also recognize his lovely wife in the audience. Please stand.

[Applause.]

Mr. YOUNG. Governor, it's an honor to have you here, and you're on.

STATEMENT OF THE HONORABLE PEDRO ROSSELLO, GOVERNOR OF PUERTO RICO

Governor ROSSELLÓ. Thank you very much.

Mr. Chairman, I am Pedro Rossello, and I appear before this subcommittee as Governor of Puerto Rico.

I extend a warm welcome to Chairman Don Young of the Committee on Resources, and the members of the Subcommittee on Native American and Insular Affairs, including the gentleman from Puerto Rico, Resident Commissioner Carlos Romero-Barceló.

I also want to welcome Chairman Dan Burton of the subcommittee on the Western Hemisphere, and the other Members of Congress who, by their presence at this hearing, are demonstrating commendable interest in the vital issue of authentic and permanent self determination for the 3.7 million of their fellow citizens.

A journey of a thousand miles must begin with a single step. But to reach his destination, a traveler must head in the right direction.

In our quest for self determination we, the people of Puerto Rico, have taken thousands of steps, dating all the way back to the 19th century. Yet it could be argued, quite plausibly, that those thousands of steps have carried us closer to our destination by as little as a single mile.

Literally, for generations, we have been exerting ourselves—earnestly and in good faith—only to discover again and again that our body politic has been going around in circles.

We have possessed the will. What we have lacked is the way.

Missing has been a compass, an instrument that will unfailingly keep us on course by pointing us always in the right direction.

Now, at last, our constitutional partner in the self determination process, the United States Congress, is furnishing that necessary tool.

H.R. 3024, the United States-Puerto Rico Political Status Act, is indeed a compass. It is a sturdy, reliable compass. We, the people of Puerto Rico, requested such an instrument. Chairman Young has provided it.

What do I mean when I assert that we, the people, requested this compass? What I mean is this:

In 1992, 85 percent of Puerto Rico's eligible voters went to the polls.

By the largest margin in 20 years, those voters elected a slate of candidates who promised that upon taking office they would act immediately to consult the people of Puerto Rico on the subject of political status.

In 1993 that promise was kept: 3.5 percent of Puerto Rico's eligible voters participated in a consultation process that was conducted with the full and unequivocal support of all three Puerto Rican political parties.

In 1994, the Legislative Assembly of Puerto Rico adopted a concurrent resolution which conveyed to the Congress of the United States a formal petition that Congress respond to the outcome of that 1993 consultation.

In 1995, this Subcommittee of the U.S. House of Representatives, meeting jointly with the International Relations Subcommittee on the Western Hemisphere, conducted a hearing in Washington, DC, for the purpose of evaluating the Puerto Rico political status consultation of 1993.

And in 1996, exactly 17 days ago, Chairman Young introduced H.R. 3024, a bill that responds clearly, fairly, comprehensively to the request for a compass that we, the people of Puerto Rico, have systematically articulated, one step at a time, over the past 4-years.

H.R. 3024 offers the people of Puerto Rico a responsible, dignified, eminently viable mechanism for emerging at last from the vicious circle of sound and fury signifying nothing, a vicious circle that has wasted, wastefully consumed far too much of our energy throughout the entire 98 years of United States sovereignty over our homeland.

I am deeply grateful to Chairman Young, as well as to Speaker Newt Gingrich, and dozens of other cosponsors of this bill.

The United States-Puerto Rico Political Status Act is truly a blueprint for constructive collaboration between the Federal Government and the people of Puerto Rico on the fundamental question of democratic self determination for Puerto Rico, consonant both with the United States Constitution and the principles of international law.

Having said that, Mr. Chairman, I must caution the subcommittee that patience and persistence will be required in abundance as we set about the arduous task of draining that bottomless quagmire of indefiniton.

The entrenched local custom of mounting ideological obstacles to dispassionate policymaking has not evaporated with the introduction of H.R. 3024.

Accordingly, this subcommittee will, both today and in the weeks ahead, be obliged to endure the slings and arrows of outrageous testimony.

As you listen conscientiously to critics of this bill, it will be helpful to keep firmly in mind a few salient facts.

The central theme of the criticism that has surfaced regarding H.R. 3024 is that allegedly it presumes to abolish the so called Commonwealth status under which Puerto Rico is currently governed.

This, we are told, is anti-democratic, arbitrary, dictatorial, demeaning.

As you well know, however, such criticism is predicated upon a premise that is utterly false.

H.R. 3024 establishes a procedure for decolonization that entails three separate referenda spread over a period of at least 10 years.

However, if any one of these three referenda produces an inconclusive outcome, with no form of full self government obtaining a majority support, then the whole process concludes, back where we started.

In that event, Puerto Rico's current political status, and Puerto Rico's current Commonwealth government structure, would continue to exist in their present form.

This is the reality, as specifically expressed in the bill. It is a mechanism that is eminently fair.

Nevertheless, it is my duty, as Governor of all Puerto Ricans, to ensure that the reality of fairness goes hand in hand with the perception of fairness.

We must ensure that demagogic arguments can never cast a shadow over a process that is of such momentous importance for the people of Puerto Rico.

For that reason I submit to you that the option of Commonwealth, Estado Libre Asociado, should be explicitly included on the ballot in the 1998 referendum that will commence this whole process.

Such an approach will require that the initial decision stage, as we can see it here, will be modified or amended to increase the number of available options from two to three.

Two of those options would start us on the pathway to the attainment of full self government, as that term is defined under international law. And a third option would allow for the retention of the current Commonwealth of Puerto Rico, or Estado Libre Asociado, as a locally self governing unincorporated territory under Congressional jurisdiction, in accordance with the Territorial Clause of the United States Constitution, Article IV, Section 3, Paragraph 2.

I realize that the sponsors of H.R. 3024 have every intention of leaving all available options open to the Puerto Rican people, options that will lead to complete self government and decolonization, as well as even that option which would perpetuate the existing territorial status.

To accomplish this, however, in a manner that simultaneously achieves both the reality of fairness and also the perception of fairness, Congress will be obliged to make absolutely clear to the people of Puerto Rico exactly what is meant by the status quo option of Commonwealth, or Estado Libre Asociado.

[Applause.]

Governor ROSSELLÓ. It is thus indispensable that Congress explicitly define that option.

It is of the utmost importance to me, as Governor of Puerto Rico, that all Puerto Ricans feel totally confident, both in their hearts and in their minds, that this process endows them with ample opportunity to manifest their true preference and to deliver an unequivocal mandate.

To me, it is imperative that this process not only be fair in its substance but that it likewise be universally perceived as fair. Therefore, I urge that you amend the bill so that, in its initial decision stage, up front, at the very outset, there be three options open to our voters.

In addition to the options for full self government, either through a separate Puerto Rican sovereignty, via independence or free association, or by participating on an equal footing in the United States sovereignty, through statehood, I urge that you include a third option, and that this third option be the current Commonwealth of

Puerto Rico, or Estado Libre Asociado, as it is clearly defined in this bill, namely a locally self governing unincorporated territory under Congressional jurisdiction.

By adopting this approach, Congress can ensure that our people will reject, as categorically false, and totally irresponsible, any attempt to portray this bill as a calculated maneuver aimed at taking away from the Puerto Rican people the system of government which has been in effect here since 1952.

And finally, Mr. Chairman, I urge that the subcommittee take fully into account that the critics of H.R. 3024 are guilty of, at best, a flip flop, and, at worst, an act of hypocrisy when they criticize this bill's central purpose; that purpose is to remove our people from the colonial stigma imposed upon us by the Territorial Clause of the United States Constitution.

Puerto Rican leaders of every partisan persuasion have for decades been demanding precisely that. Congressman Young's bill offers us precisely that on a silver platter.

Where, then, we must ask, where is the beef? What is the problem?

This bill is unambiguous, straightforward in its language, and presents the people of Puerto Rico with a golden opportunity to put up or to shut up.

If we so desire, we can choose to cooperate with Congress on implementing a course of action which will, at last, empower us with permanent, dignified, internationally recognized, fully self governing political status.

But that is only half of the equation.

This bill simultaneously empowers us to remain as we are, to maintain the status quo, if that is the desire of the majority of our people, and that is what they want.

My petition to you is that you make this second half of the equation explicitly clear and that, when you define exactly what this status quo option entails, you do so in a manner that obliterates every trace of the abundant ambiguity that currently surrounds the true nature of the so called Estado Libre Asociado.

Accordingly, Mr. Chairman, I believe it is fundamental that these points be kept in mind at all times as the subcommittee weighs the testimony of any witness who purports to object on principle to the course of action that this bill contemplates.

In closing, there is one other substantive suggestion that I would like to offer for your consideration.

As introduced, the United States-Puerto Rico Political Status Act provides that the duration of its transition plan, leading to full self government for Puerto Rico, shall be a minimum of 10 years.

Ten years, I respectfully submit, is an inordinately long period of time.

Ten years ago there were two Germanys, and a Berlin Wall. South Africa was still under apartheid. The North American Free Trade Agreement was merely a promising idea. Almost nobody had ever heard of the Internet.

A 10-year minimum, I believe, is more time than we need. In addition, extraneous events that no one can foresee, could too easily derail or delay the process if we let it drag on for that long.

So I respectfully recommend that the transition period be shortened. Instead of a minimum of 10 years, let the transition period be a maximum of 4 years.

That should be entirely sufficient to achieve the historic mission that the Federal Government and the people of Puerto Rico will undertake together through this inspired legislation.

Thank you very much for the privilege of the floor.

Mr. YOUNG. Thank you, Governor.

[Applause.]

Mr. YOUNG. Thank you, Governor. And I have a couple short questions or comments, and then we'll open it up to the other members of the Committee. And this is the way we're going to do it, and when we're finished you can sit in the audience and listen to the other testimony.

Governor, I take with great seriousness your suggestion. I want to stress though that the concept of Article 4, Section 3, Paragraph 2, that Congress will define Commonwealth. Yes. It will not be a wish list, or pie in the sky, it will be a decision made by the Puerto Rican people.

[Applause.]

Mr. YOUNG. Including, including the status quo of the present Commonwealth. Make that perfectly understood.

Secondly, the discussion about the minimum of 10-years, did I hear you right, was it a maximum of 10-years, or did you say a maximum of 4-years? I was just curious.

Governor ROSSELLÓ. A maximum of 4-years.

Mr. YOUNG. A maximum of 4-years. I have great faith that the Puerto Rican people could accomplish the goals. I'm not totally confident the Congress can accomplish those goals knowing how we operate.

We will be taking that into consideration as we mark up this bill. And hopefully, as we continue to have input and testimony, we will—and I want to stress this, because it was asked the day I introduced this bill—in other words, this is just a step. I expect to pursue this with your Congressmen and with yourself and with other interested parties because the status quo is no longer acceptable to this chairman.

Now I'll recognize the Congressman, Mr. Romero-Barceló for any questions.

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

Governor, I want to congratulate you on your testimony. And particularly in the generosity of your proposal which opens up the process to the participation of the Commonwealth as it is, the status quo, as we have indicated, that is precisely the problem. And yet you are willing to have that option open so that the people of Puerto Rico not only have a fair process, but remove any shadow of a process that is not impartial.

But, Governor, I would like to ask you, for the record, was the proposal that you have for the Commonwealth to be included, was that—and you mentioned it briefly in your testimony and I would like you expound on it—the Commonwealth as it is, was that included in the 1993 plebiscite as an option?

Governor ROSSELLÓ. The 1993 plebiscite option was an option that was defined by the Popular party. There were no restrictions

to that definition. And I must say, and I have said it before, and I will repeat it again, that in looking for a fair process, the 1993 plebiscite allowed—and this was a bill that I submitted to our Legislature—allowed the political parties to define their own formulas, different to what happened in the 1967, when the party in power defined all the political formulas, all the options, even though they did not represent their aspirations.

So, we were looking for fairness at that time. We allowed the political parties to define their own formulas. Unfortunately, we found that that led to another major vulnerability.

The Commonwealth formula, as defined—and I have requested Congress to respond specifically to that formula—is really, from my perspective, something that is not consistent with the U.S. Constitution. And, therefore, it is not obtainable within the U.S. system.

It would be attainable outside the territorial clause, if that is what the defenders of that formula want. But then it is clear that Congress defines what the conditions would be for Commonwealth outside.

I think, as a matter of fact, that when you look at the options currently present in that project, free association is essentially the concept of Commonwealth outside the territorial clause, where you attain those conditions or those goals through a bilateral treaty between two equals, or two separate entities. And I think that option is also presented here.

So, essentially, the 1993 definition, to me, is a nonviable definition, and is something that I wish I—it is not I who defined it, but that the Congress define whether it is a true option or not an option. I feel it's certainly not consistent with the U.S. Constitution.

Mr. ROMERO-BARCELÓ. Are you aware, Governor, that now the editorials that have been written regarding the fact that this might not be a fair process, because it doesn't include Commonwealth, and the statements that have been made by, over in Congress by the people who represent Commonwealth, have been directed toward the fact that the status quo is not being represented, that the status quo is being denied an opportunity for expression.

When you gave the Popular party and the leadership the opportunity to include the status quo in the ballot in 1993, did they ask for the status quo be included in the ballot?

Governor ROSSELLÓ. No, they didn't. They included a different option.

Mr. ROMERO-BARCELÓ. The Commonwealth option with a wish list.

Governor ROSSELLÓ. Yes, sir.

Mr. ROMERO-BARCELÓ. Thank you very much, Governor.

Governor ROSSELLÓ. Thank you.

Mr. BURTON. Governor, I think I'm next in the questioning. I'll just ask a couple of questions.

In retrospect, do you think it would have been better to have had the Congress of the United States define Commonwealth status before it was put on the ballot in 1993?

Governor ROSSELLÓ. Absolutely, I think, Mr. Chairman, we have to look at this as a process. In the 1989 to 1991 period Congress

did engage in an effort to try to define for Puerto Rico, and to legislate a process for self determination. It ended in nothing.

We felt that Puerto Rico had to take the initiative.

We knew that it was not the total answer, but there had to be a message to Congress that this is important to us, that we should not allow time to go on, that as we are going to celebrate 100 years under U.S. sovereignty, it is time that we make a decision.

I was cognizant—and we were cognizant—that an important element was missing. But it was important in the face of that failed effort from Congress in 1989 to 91' to send a message that Puerto Rico had, indeed, not solved the status problem, and that we were grasping for the process, for the way to do it. And I think, I acknowledge that the best way—and that's why I so wholeheartedly endorse H.R. 3024, because it precisely does that.

Congress assumes its responsibility under the territorial clause and provides for Puerto Rico, respecting its wishes, but defining those alternatives, so that the people of Puerto Rico can finally choose an ultimate status.

Mr. BURTON. I did not mean my question as a criticism.

Governor ROSSELLÓ. No, no, I did not take it as so.

Mr. BURTON. But had it been a little bit more clear, it might have eliminated a lot of this——

Governor ROSSELLÓ. Yes.

Mr. BURTON.—misunderstanding.

Governor ROSSELLÓ. Yes, sir.

Mr. BURTON. One other thing I think that, I hope that all of political parties will make clear to the people of Puerto Rico is what Mr. Kennedy said in his very eloquent opening remarks, and that is that, with our budget constraints in the United States Congress, there will be a reduction in discretionary spending, and the 936 program, I can tell you, is going to be reduced, and possibly phased out over the next 6–7-years, which will have an impact on the economy of Puerto Rico, hopefully not in a negative sense, but it will have an impact.

And that is one of the things that should be taken into consideration when you talk about statehood status, because if statehood status were to take place, there would be voting representation in both the U.S. House and the Senate.

In the Senate, of course, there would be two votes from Puerto Rico, which would give equal status as to the other 50 States. And if there were economic problems created by the transition, from the funding levels we have right now to a lower level, then they could make a very strong case in the Congress for additional help, as Mr. Kennedy pointed out in the mentioning of his State of Rhode Island.

Mr. KENNEDY. Mr. Chairman, could I just——

Mr. BURTON. I would be happy to yield to my colleague, Mr. Kennedy.

Mr. KENNEDY. It seems to me that the proponents of Commonwealth status assume, or presume, that there is a bilateral pact between Puerto Rico and the United States that is unalterable. In other words, that the United States cannot impose its view with Puerto Rico's consent.

Would you tell us about what the real experience has been? Because as I've seen it, just as a member of the United States Congress in my first term, we routinely change the relationship between the United States and Puerto Rico.

The latest example is the proposed elimination of 936, which is one of the most fundamental elements of our relationship. And yet the people of Puerto Rico do not have a say in the United States Congress when it comes to these changes being made that directly affect their way of life here in Puerto Rico.

Could you explain this a little further?

Governor ROSSELLÓ. Yes, Congressman Kennedy. I think you are absolutely right.

I think we can go all the way back to 1952 to examine that particular issue.

The people of Puerto Rico adopted a constitution. It was sent to Congress. Congress eliminated a section of that constitution clearly establishing, clearly establishing its powers under the territorial clause.

Since that first moment in the establishment of the Commonwealth, Congress has continually—this is, the 936 issue is one area which is currently demonstrative of that power of Congress over Puerto Rico or any territory.

It is very clear. I do not see any space for interpretation, and, as a matter of fact, as a matter of practicality, it is true what you're saying. Almost every day, every year, Congress exerts its powers over Puerto Rico with no real input from the people of Puerto Rico.

Mr. YOUNG. Mr. Abercrombie.

Mr. KENNEDY. Thank you.

Mr. ABERCROMBIE. Thank you very much, Mr. Burton.

Now, Governor, I'm finding all this very interesting, again from my position as someone who comes from the last State to be admitted to the union. We were originally a kingdom. Before that, the different islands that make up Hawaii were separate entities.

Kamehameha the Great united the islands of Hawaii into a kingdom.

We were subsequently then turned into a shotgun republic, if you will, with the overthrow of the queen. And subsequently to that became a territory, and now a State.

So, you can see we have been through the entire panoply of political status.

The reason that I go through that brief history, for those who may not be aware of it, is that in doing the reading in preparation for this hearing, I went over in great detail the status definitions of statehood, Commonwealth, and independence, as they appeared in the referendum. And I am troubled by the definitions that we have.

Is it a correct statement on my part that these definitions were written by the parties themselves to mean what they wanted them to mean? Is that a correct statement?

Governor ROSSELLÓ. That is a correct statement.

Mr. ABERCROMBIE. OK, that's fair. I understand that. This is what you would have, each party would have liked to have the status be.

But I can tell you, and I would like your comment, I can tell you, as a former territory, that you do not define for the Congress of the United States what your status will be. The Congress defines it for you.

Would you agree that what Congress defines today, Congress can redefine tomorrow?

Governor ROSSELLÓ. Yes, sir. Under the territorial clause, or territories of the United States, yes, yes, I agree to that.

Mr. ABERCROMBIE. And so when you ask on page 4 of your testimony that Congress—and I'm quoting in context—

Governor ROSSELLÓ. Yes.

Mr. ABERCROMBIE.—I trust you'll agree—that Congress will be obliged to make absolutely clear to the people of Puerto Rico exactly what is meant by the status quo option of Commonwealth, Estado Libre Asociado.

Governor ROSSELLÓ. Yes.

Mr. ABERCROMBIE. That also is a request, right? You cannot make such a demand.

Governor ROSSELLÓ. We request that in the search for fairness and a well informed decision, that instead of each political party or movement in Puerto Rico making an idealized laundry list, we are requesting, yes, and I would say, we are demanding that Congress assumes its responsibility, under the territorial clause, its power to dispose of the territories by defining explicitly what each option is all about.

Mr. ABERCROMBIE. Very good. So what you're suggesting then to Chairman Young is that should this bill be modified to include a Commonwealth option, that a definition be provided in that bill as to what is meant in terms of the consequences of the bill, should it be passed.

Governor ROSSELLÓ. Absolutely correct. In the same sense that the bill does it for independence, for free association, and for statehood.

Mr. ABERCROMBIE. But is it also understood that regardless of that, a future Congress could change that?

Governor ROSSELLÓ. Well—

Mr. ABERCROMBIE. Not that necessarily—I'm not speaking about being capricious. But rather—

Governor ROSSELLÓ. Well, if we embark in this process, the same as Hawaii at one point had to embark on the process to be admitted to the union, I would suspect that once this process is started that the sense of Congress would be to continue it.

And in that sense I would imagine that as Hawaii struggled to be recognized as an equal partner in the union, there could have been that possibility, that what the intention of Congress was could have been changed by another.

Mr. ABERCROMBIE. So your suggestion is that we make a good faith attempt to do that.

The reason I bring that up is in reading the status definition of Commonwealth, as it appeared in the last referendum, I can say almost to a certainty that there is no way that such a definition will appear in the legislation that Mr. Young would formulate in its final version.

Not because he wishes to impose his own will or anything. But how can anyone say, for example, to reformulate Section 936 insuring the creation of more and better jobs?

I mean, there's no way you're going to have the Congress of the United States do that at this time, in this legislation.

So, would you agree that some of the conditions, if you will, while they may be interesting as proposals, are unlikely to appear in a definition of Commonwealth?

Governor ROSSELLÓ. Absolutely. I think that definition in 1993 is absolutely untenable. I agree with that. And that's precisely the value of what we are discussing here.

The value is that Congress says precisely that. I mean, is it fair to tell the people of Puerto Rico that if they vote for this formula they would attain that?

Now Congress has the ability to say, this is what we would be willing to work with and on, so that the people of Puerto Rico have an informed, a chance for an informed decision.

So I agree totally with you in terms of that particular definition. I think it was a dishonest definition of what Commonwealth can be.

Mr. ABERCROMBIE. Well, I wouldn't—yes, I understand. My time is up, and I appreciate your response to my questions.

Thank you, Mr. Chairman.

Mr. YOUNG. Thank you, Mr. Abercrombie. Mr. Roth.

[Applause.]

Mr. ROTH. Thank you, thank you, Mr. Chairman.

Governor, I very much respect your office and you as a person, but obviously this panel here is pretty well stacked in your favor. So I am obligated—

Governor ROSSELLÓ. Well, it's stacked in favor of the people of Puerto Rico.

Mr. ROTH. Yeah, I am—

[Applause.]

Mr. ROTH. You appear like an honest and fair man to me. Let me ask you: if statehood had won the 93' plebiscite would you be here today telling us that the referendum was a mistake?

Governor ROSSELLÓ. I am not saying that the referendum was a mistake. I just define, in the process for self determination, what that step was. It was a step to inform Congress that this was a vital issue for Puerto Rico. And as I explained to you, subsequent steps have gone to ask Congress to respond. I think this is a response to the referendum in 1993.

Mr. ROTH. Yes, but in all honesty, your party was in charge. You were in charge, and you held the referendum, and your party lost the referendum.

Governor ROSSELLÓ. No, I'm sorry. I think you are confused, Mr. Congressman. You are absolutely confused.

This was not about political parties.

Mr. ROTH. Well—

Governor ROSSELLÓ. You are absolutely confused.

Mr. ROTH. Well, what percentage of the vote did your party get?

Governor ROSSELLÓ. My party was not on the ballot, sir.

Mr. ROTH. Well, what percentage of the vote did statehood get?

Governor ROSSELLÓ. Forty-six percent.

Mr. ROTH. How much did Commonwealth get?

Governor ROSSELLÓ. Forty-eight percent.

Mr. ROTH. Well, then, it seems to me they won the election.

Governor ROSSELLÓ. Alright, well, what we're saying is that you respond to that, you respond and you say, if you're willing——

Mr. ROTH. Right.

Governor ROSSELLÓ.—to give the definition that Commonwealth had, under that plebiscite, that's what we're saying.

Mr. ROTH. Right.

Governor ROSSELLÓ. And I want you to answer that now.

[Applause.]

Mr. ROTH. Well, let me ask you about your definition. Now, you were in charge. And, again, I want to be very deferential to you. I respect you.

Governor ROSSELLÓ. I respect you.

Mr. ROTH. I am saying, I am asking these questions in the greatest of respect.

Governor ROSSELLÓ. I do too.

Mr. ROTH. Was your definition the correct one?

Governor ROSSELLÓ. Yes, sir.

Mr. ROTH. Well, did you say that if you became a State you would have your own National anthem, your own Olympic committee? Did you say that?

Governor ROSSELLÓ. Does Wisconsin have an anthem?

Mr. ROTH. No, it does not.

Governor ROSSELLÓ. I know Texas does.

Mr. ROTH. When Puerto Rico comes in——

Governor ROSSELLÓ. I know Texas does.

Mr. ROTH. I'm sorry, Governor, but when Puerto Rico comes in they have to come in like Indiana came in——

Governor ROSSELLÓ. Wait a moment, sir.

Mr. ROTH.—like Hawaii came in, like every other State comes in.

[Applause.]

Governor ROSSELLÓ. I, I——

Mr. ROTH. And—just let me finish here, Governor.

Governor ROSSELLÓ. Alright.

Mr. ROTH. I was respectful to you.

Governor ROSSELLÓ. I am respectful to you.

Mr. ROTH. And I will continue to be, but you have to give me a chance to respond to your charges.

Governor ROSSELLÓ. It's your time, Congressman.

Mr. ROTH. You said that the Commonwealth had their own definition. Well, you've misled the people with your definition.

Governor ROSSELLÓ. No, sir.

Mr. ROTH. You said that you were going to have an Olympic committee. If Puerto Rico comes in you are not going to have an Olympic committee. That's not fair.

Governor ROSSELLÓ. OK. Can I respond to that now?

Mr. ROTH. Yes.

Governor ROSSELLÓ. Alright. I don't think it is in the purview of this committee to define what private organizations do or don't do. The Olympic committee is a private organization. I do not think it is within the purview of this committee to define——

Mr. ROTH. Yeah, but that's not the point.

Governor ROSSELLÓ. Can I finish, sir? Can I finish?

[Applause.]

Mr. ROTH. Let him answer the question, let him answer the question.

Governor ROSSELLÓ. I demand the same respect that you demanded before. So let me finish.

It is not in the purview of this Committee to define religious affiliations or not. If Puerto Rico becomes a State, it is not in the jurisdiction to define what the Catholic church relation to the Vatican is.

And so it is beyond the scope of what you can define for Puerto Rico.

Mr. ROTH. Well, that is pretty far afield, but OK. Let me ask you this.

Chairman Young, Mr. Burton, good friends of mine, we have a saying in the United States now up in the mainland, promises made, promises kept. Because after 40 years for the first time we took over.

So, when we make a commitment, we always say we have got to live according to that commitment.

Now, as I understand it, before the Plebiscite was held in 93', you said that you would favor an allocation of government funds to facilitate the implementation of the——

Governor ROSSELLÓ. Yes.

Mr. ROTH.—plebiscite results.

And I was just wondering how much money has been afforded, has been afforded to the people who won the plebiscite in 93'?

Governor ROSSELLÓ. Mr. Roth, that particular provision in the bill that I submitted to the legislature was removed by your allies of the Popular Democratic party, yes, sir, that is correct. I can provide you——

[Applause.]

Governor ROSSELLÓ. I can provide you with the original bill, and then you would have to ask that question, not of me——

Mr. ROTH. But——

Governor ROSSELLÓ.—but of the leaders of the Popular party.

Mr. ROTH. But, Governor, they didn't make the commitment, you made the commitment.

Governor ROSSELLÓ. I made the commitment in the same way that you make commitments, but they have to be approved by the Congress. I submitted the bill that had that. There was my commitment.

I made a commitment that the people of Puerto Rico have a chance to express themselves in a plebiscite. I complied with that commitment. It is the other people that have not complied with their commitment.

Mr. ROTH. Yeah, you know, I'm, I'm——

[Applause.]

Mr. ROTH. I just have one follow up question, and that is, why was Commonwealth—I just believe—I don't care who wins an election, but I feel that it should be a fair election. When this bill was introduced Commonwealth was eliminated. The people would not be allowed to vote for Commonwealth.

Now all of a sudden, hey, we have got to bring Commonwealth to the fore, we have got to make it part of this bill. Why is that?

Governor ROSSELLÓ. Well, do you want it to be or not?

Mr. ROTH. Of course I do. But I want it to be a fair fight.

Governor ROSSELLÓ. Well, then we don't have any argument, Mr. Roth; we have no argument.

Mr. ROTH. I want it to be a fair fight.

Governor ROSSELLÓ. That's right.

Mr. YOUNG. Gentlemen, time has expired—and may I suggest I think the Governor and myself have said very clearly we are seriously looking at the inclusion. The hearing process is the democratic process and I hate to use that term democratic. With all due respect to my friend, it is a democratic process and we have input; we are looking and we will solve the problem.

Unkown. Let's put a small team together—

Mr. YOUNG. Who has not asked any questions?

Mr. ROMERO-BARCELÓ. Mr. Chairman, can I just make a statement for clarification purposes?

Mr. YOUNG. Just a moment. Mr. Underwood, have you asked?

Mr. UNDERWOOD. No I haven't.

Mr. YOUNG. But I will yield just for a brief rejoinder to my fellow islander.

Mr. KENNEDY. I think the process, as they say, Mr. Chairman, equals what is the outcome. If you have a purely political process, you have a purely political outcome. I think it's Mr. Roth is confusing what could be compared as the nomination process for our primaries with the true election process for our president.

When you have a plebiscite type of election, it was not a viable election because the outcome did not dictate what the people thought the outcome would dictate.

[Applause.]

Mr. ROMERO-BARCELÓ. Mr. Chairman, I just want to make a clarification.

Mr. YOUNG. We recognize the gentleman from Puerto Rico for a short comment.

Mr. ROMERO-BARCELÓ. Mr. Roth, I think that perhaps we should have distributed the status definitions as they appeared in the ballot, and put in the record. Because when you mentioned that the statehood proposal included something about the Olympics, the statehood proposal on the ballot does not include anything about the Olympics.

When we made those statements about what was included in the Commonwealth option, it is what was included in the ballot. Whatever was said in the campaign, campaigns always say a lot of things, but we're talking about what was included in the ballot that the people saw when they went to vote.

There is nothing about the Olympics in the ballot, in the definition of statehood.

Mr. ROTH. I understand that. I'm just going to suggest that's the path we have to look for in the future.

Mr. UNDERWOOD. Could I reclaim my time?

Mr. YOUNG. Yes, go ahead.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

Much has been made about the way the statuses were defined in the 93' election. If the status of Commonwealth were simply defined as status quo, and had it still prevailed by the same numbers, do you think we would be here today?

Governor ROSSELLÓ. Yes.

Mr. UNDERWOOD. Well, why, why?

Governor ROSSELLÓ. Because we have to place before the people of Puerto Rico a real option of attaining full self government with a commitment from Congress, who has the powers under the Constitution, under the territorial clause. That has not happened. That has not happened.

And so, ask yourself—nand I think maybe you have a very special understanding of this, from the perspective of Guam—ask yourself can we afford to keep this process going for 98 more years or 100 more years?

I think the importance of this, if we grasp anything, is that this provides a guide well defined for Congress discharging its responsibilities for the people of Puerto Rico so that a decision is made.

If those requirements are met, then we don't have to talk about this anymore.

Mr. UNDERWOOD. OK. Well, what I would assume then, based upon your reply, Governor, is that had the definition simply been for Commonwealth status quo, that would not resolve the issue in your mind.

So the issue of how it is defined is really not pertinent to how you see the issue.

Governor ROSSELLÓ. No, the issue of how it is defined by Congress is the central part. Because who has, who has the power? Can we have a plebiscite or a referendum tomorrow and automatically, under our authority, implement it? Do we have that power?

Mr. UNDERWOOD. No, absolutely not.

Governor ROSSELLÓ. OK, fine.

Mr. UNDERWOOD. I fully understand and appreciate the role of Congress in resolving the issue. I was heartened by your comments that you wanted to include Commonwealth as an option. But I'm still trying to figure out that if in fact Commonwealth were the option that were voted for, would that end the process in your mind?

And basically a lot of attention has been given to the way it has been defined, as if somehow the people who were supporting Commonwealth were being devious, or perhaps over reaching in their definition of Commonwealth, and that led to its victory.

Now, had Commonwealth simply been defined as what exists today, and that still prevailed, would, in your mind, would that end the process?

And I think you've answered that it hasn't.

Governor ROSSELLÓ. Right.

Mr. UNDERWOOD. OK. The other issue that I wanted to raise was the issue of language and culture, which—and the identity that comes from that—which is very important. And I think it's important to the Puerto Rican people. And it's something that I admire them for.

Now, it doesn't necessarily have to be politicized.

Governor ROSSELLÓ. Yes.

Mr. UNDERWOOD. But you well appreciate that that is an important consideration, and that if it is an important enough consideration in your mind to the Puerto Rican people, and I know it is important to some, and a matter of some consequence to Members of Congress, how would you proceed with that issue, and would you make it a part of any statehood admissions act? Or would you simply ignore it?

Governor ROSSELLÓ. I aspire for Puerto Rico as a State nothing more, but certainly nothing less than any of the States of the union. The same that applies to Puerto Rico as a State, as it applies to Wisconsin as a State. The same powers that under the Constitution belong to the States or to its people, that have not been delegated to the Federal Government, those are the same powers that I aspire for Puerto Rico. No more. But certainly no less.

[Applause.]

Mr. UNDERWOOD. I would assume that under your response that the underlying assumption is that the State of Puerto Rico could include Spanish as an official language.

Governor ROSSELLÓ. The State of Wisconsin has right now, as a matter of fact, 18-19 States have exercised the right to define their own official language. The State of Puerto Rico would have the same power, the same power of defining its State official languages. And we have done that; it is both English and Spanish.

[Applause.]

Mr. UNDERWOOD. OK.

Mr. ABERCROMBIE. Mr. Chairman, Mr. Underwood has yielded to me for 10 seconds.

Mr. YOUNG. The gentleman is recognized.

Mr. ABERCROMBIE. Governor, Governor—

Governor ROSSELLÓ. Yes.

Mr. ABERCROMBIE. For your information the State of Hawaii has two official languages, English and Hawaiian.

Governor ROSSELLÓ. There you go. There you go.

[Applause.]

Mr. ABERCROMBIE. Thank you.

Mr. UNDERWOOD. While I still have some time left, just briefly, even though I respect the fact that Hawaiian is an official language of Hawaii, it is in large measure symbolic. And I don't know whether—it's an issue that is of serious concern to me because I want to protect languages as well.

And I'm just concerned that if someone makes it a part of the admissions act, in the other direction, not coming from Puerto Rico, but in the other direction.

Governor ROSSELLÓ. Well, again, I must emphasize that Puerto Rico would come in as a State on an equal footing. And I must contrast that with what Congressman Kennedy said, that now, now under Commonwealth Congress has the power to say that Puerto Rico's language is English or French or Russian. It has the power now. And it would not have that power of Puerto Rico as a State and that is very clear.

[Applause.]

Mr. YOUNG. The gentleman from Rhode Island, have you been recognized already?

I want to thank the Governor for being able to sit there through a long period of time. And for the audience I want you to understand, we are going to go through the hearing until we finish. Keep that in mind. We don't have any race.

Governor, thanks, thank you very much for being with us.

Governor ROSSELLÓ. Thank you.

[Applause.]

Mr. YOUNG. We now have the honor of calling the Honorable Hector Luis Acevedo, President of the Popular Democrat party.

[Applause.]

**STATEMENT OF HECTOR LUIS ACEVEDO, PRESIDENT,
POPULAR DEMOCRATIC PARTY**

Mr. ACEVEDO. Good morning, Mr. President. You have——

Mr. YOUNG. Just a moment, just a second, I will recognize you officially. Just a moment, I'm trying to get everybody quiet.

OK, Hector, you're on. Go ahead.

Mr. ACEVEDO. Thank you, Mr. President, and welcome to San Juan. As you have on your own initiative provided for a simultaneous translation, I am going to speak my, I am going to present my statement in the language of my people. I have submitted——

[Applause.]

Mr. ACEVEDO. I have submitted the translation, so I will proceed if you may allow.

Mr. YOUNG. Go ahead. One thing I don't quite understand, who is running these mics here. I'm having a hard time hearing you. Maybe back a way, just a little bit. Yeah, try that. Try that. Go ahead.

Mr. ACEVEDO. Hoy vengo a hablarles de nuestra nación, de la democracia que iguala a los débiles con los poderosos. El sentido especial de los seres humanos que nos hace entender que en esta vida ningún hombre es más ni menos que otro.

La lucha del pueblo puertorriqueño tan pronto toma consciencia de su ser colectivo ha sido de afirmar sus valores a través de la acción política. La ética de mi pueblo no es de guerra civil, ni de confrontaciones, ni de sangre derramada, es ética de igualdad en la esperanza y en el respeto que cada ser humano se merece.

Donde se juzgan las personas, no por el puesto que ostentan o las riquezas que acumulan, si no por su aportación ante los retos de las vidas y las causas que defienden. En esa gestión histórica, nuestro pueblo ha enmarcado su lucha centenaria en que se respete su identidad propia y el justo valor de sus votos.

Bajo esas premisas de respeto propio, de compromiso con el bienestar de nuestro pueblo y del reconocimiento de que debemos liberarnos de la emboscada de las formas tradicionales en que se han guiado las relaciones entre Puerto Rico y los Estados Unidos.

Parte principalísima de esa relación es el respeto a la libre determinación del pueblo de Puerto Rico. Evidenciado por las acciones, por la palabra comprometida del Presidente Truman, Eisenhower y Kennedy. Porque no se puede decir que se está a favor de la libertad y la libre determinación y no estar dispuesto a respetar su ejercicio.

Por eso es que este proyecto de ley no encuentra razón en la democracia puertorriqueña, ni en la americana. Porque es producto

de actuaciones a las espaldas de nuestro electorado. Y aquellos que no respetan la voluntad del pueblo de Puerto Rico según fuera expresada libremente en las urnas, es producto de aquellos que solamente respetan la democracia cuando ganan.

Y hoy aquellos que no pudieron convencer a nuestro pueblo después de imponerle un plesbicitito bajo sus propias reglas, le piden a ustedes que impongan soluciones que fueron derrotadas en nuestras urnas. Este proceso no se trata de fórmulas de estatus, se trata del respeto a la dignidad democrática de Puerto Rico y la dignidad democrática de los Estados Unidos.

Aquí ya se contaron los votos. . . aquí ya se contaron los votos, ahora en la explicación de los resultados se quiere alterar su voluntad. Esa actitud es ofensiva a nuestro pueblo. El voto constituye uno de los valores más preciados del pueblo puertorriqueño. Así lo ha demostrado nuestra gente una y otra vez. Y por eso es que tenemos una de las más altas tasas de participación electoral del mundo. Ciertamente uno. . . mucho más alta que la de los propios Estados Unidos. Aquí el promedio de votación son ochenta y cinco por ciento. En los Estados Unidos, cincuenta por ciento, con suerte. Por eso nuestra democracia es vigorosa y merece el mayor respeto.

Por esa razón es que exigimos respeto para el Estado Libre Asociado. Porque al hacerlo estamos exigiendo respeto para la voluntad democrática de los puertorriqueños. El Estado Libre Asociado ganó el plesbicitito de 1967, ganó el plesbicitito de 1993. Los que perdieron vienen obligados a reconocer, a aceptar y a respetar esa decisión de nuestro pueblo.

Abusan del poder y ofenden la dignidad de los puertorriqueños cuando por la fuerza del dinero y el poder político pretenden lograr por medios ilegítimos lo que no pudieron alcanzar en nuestras urnas. Quienes hace otras semanas atrás proclamaban la pérdida de la ciudadanía americana y amenazaban con ella para empujar su ideal político por encima de la voluntad de nuestro pueblo, hoy después de ver la reacción de nuestro pueblo indignado se retractan oportunísticamente mereciendo también nuestro repudio.

Quienes han perdido una elección frente al Estado Libre Asociado y tienen que recurrir a pedir otro plesbicitito como único recurso para derrotarlo, le faltan el respeto a este país.

Corresponde también al Congreso de los Estados Unidos respetar y trabajar constructivamente en diálogo con los que ganaron, no con los que perdieron para hacer efectivo. . . (aplausos).

No puede cumplirse con ese cometido si no se entiende que en virtud de la Ley 600 aprobada por el Congreso, Puerto Rico y los Estados Unidos efectuaron un convenio entre ambos pueblos. Si no se entiende que en el año 52' se aprobó la Ley 4448 por este Congreso, dando virtud a la Constitución del Estado Libre Asociado de Puerto Rico y respetando la Constitución y el gobierno propio de nuestra gente.

Si no se entiende que en el año 1953 fueron los Estados Unidos los que presentaron la Constitución del Estado Libre Asociado y el convenio concertado ante las Naciones Unidas para justificar la solicitud de que se eliminara a Puerto Rico de la lista de territorios coloniales, allí el Presidente de los Estados Unidos, Dwight David Eisenhower, cuya palabra y honorabilidad nosotros respetamos, y

su Embajador Henry Cabot Lodge informó que el convenio concertado entre el pueblo de los Estados Unidos y el pueblo de Puerto Rico era unilateralmente inviolable.

Fue en virtud de esa representación que las Naciones Unidas eliminaron a Puerto Rico de la lista de territorios coloniales. Reconociendo que Puerto Rico había ejercido su derecho a la libre determinación y había alcanzado una forma legítima de gobierno propio.

El proyecto objeto de esta vista declara que el Congreso tiene poderes plenarios sobre Puerto Rico. Que el establecimiento del Estado Libre Asociado no cambió en nada la relación existente entre Puerto Rico y los Estados Unidos. Que no existe acuerdo ninguno y que es constitucionalmente imposible lograrlo.

Esas mismas exactas acusaciones fueron elevadas ante las Naciones Unidas en contra de los Estados Unidos por los principales enemigos de la democracia de aquel entonces, Cuba y la Unión Soviética. En todas las ocasiones los embajadores de los Estados Unidos ante ese foro, incluyendo al ex Presidente Bush, rechazaron con vehemencia esas alegaciones.

Y reiteraron que desde el 3 de noviembre de 1953, contrario a lo que se dispone en este proyecto, Puerto Rico había ejercido su libre determinación y abandonó la categoría de territorio colonial.

Ustedes están de acuerdo ahora con la posición oficial. . . no están de acuerdo con la posición oficial de los Estados Unidos. Entonces tienen que notificarle a las Naciones Unidas que cometieron un fraude monumental.

No siendo ésta la realidad, los fundamentos de este proyecto y la información que se ha traído ante ustedes, entonces representan un resultado profundamente colonial que es totalmente incorrecto. Este proyecto no le hace justicia al buen nombre de los Estados Unidos. Es mezquino en quererle restar voluntad a lo que el pueblo de Puerto Rico ha expresado libremente por casi medio siglo en apoyo al Estado Libre Asociado.

Este proyecto presenta un gran país, al cual admiramos y respetamos, titubeante en la búsqueda de respuestas que son fundamentalmente fáciles y le respeta la igualdad de los pueblos y su autodeterminación. El Partido Popular Democrático rechaza este proyecto por anti democrático y en la eventualidad de que pudiera ser aprobado, no participaría en un plesbicitito amañado como el que se trata de imponer a nuestro pueblo.

No me pidan sugerir enmiendas a este proyecto, sus defectos no son salvables porque surgen de su intención. Cuando alguien que dispara, importante no es la marca del revolver ni el calibre de la bala. Sepan ustedes Congresistas que este pueblo nuestro se le respeta. Que nuestra dignidad no está a la venta ni mucho menos está dispuesto a. . .

[Applause.]

Mr. ACEVEDO. Aquí estamos todos, señores Congresistas, este pueblo nuestro siempre respetuoso de los demás mira con igualdad en el mismo nivel a los hombres en la astas de la libertad. Sepan ustedes señores Congresistas que Puerto Rico ni se rinde, ni se vende. Muchas gracias.

[Applause.]

[The prepared statement of Hector Luis Acevedo may be found at the end of hearing.]

Mr. YOUNG. I thank you, Hector, for your testimony. Unfortunately I don't know whether it's your supporters or other supporters that are playing great music outside and I'm about ready to dance.

I don't have any questions at this time. I'm going to ask in that respect, because he has another appointment, the gentleman from Hawaii to have the first round of questions. Mr. Abercrombie, please?

Mr. ABERCROMBIE. No, its not me, I think . . .

Mr. YOUNG. Oh, I'm sorry, I'm sorry. I take that back. You handed me the note. OK, Mr. Kennedy, would you do it, please?

Mr. KENNEDY. Thank you very much, Mr. Chairman.

I really feel that we share the same goals. We both want self determination for the people. It's a democratic goal that I think both sides of this issue share. Both want the dignity that comes from self determination.

Where we differ is the manner and process through which we achieve this goal. We believe that this goal can only truly be achieved when you are a co-equal of the United States of America, and that is through as a State.

It is difficult to think that under the current territorial relationship that you now have under our Constitution, that your power of self determination is fully realized under this territorial relationship.

So let me first pay you the respect that you are due because I respect what you're trying to do very much. And let me just say in conclusion that I have been so enormously impressed with the fact that there is such a thirst for democracy here in Puerto Rico. That the people of Puerto Rico feel strongly about the issues of self determination.

And you make a very excellent point.

I only wish that in more places in the United States of America people felt as strongly about the issues as the people of Puerto Rico feel, whether on one side or the other.

[Applause.]

Mr. ACEVEDO. Muchas Gracias.

Mr. KENNEDY. Let me just say, I think this is a healthy exchange here today, and I appreciate your positions, and I thank the Chairman for having this testimony because I think this is a very important issue to be discussed.

Mr. ACEVEDO. Muchas Gracias por sus expresiones.

Mr. KENNEDY. Y también muchas gracias pero no—necesita practicar mi español para mejorar mi español. Cuando voy a fijar toda la Puerto Rico, voy a aprender más de la lengua.

[Applause.]

Mr. ACEVEDO. Muchas gracias. Quisiera hacer unos comentarios al distinguido Congresista. En primer lugar, el Presidente Kennedy fue muy respetuoso. . . muy respetuoso de la voluntad del pueblo de Puerto Rico. Entendió que había un convenio y que había que respetar ese convenio.

Y sobre todo. . . así lo expresó en el 1961, el 25 de julio y el 24 de julio de 1962. Porque entendía que ese convenio se basa en dos

fundamentos. Primero, en el respeto a la libre voluntad de nuestra gente. Porque no se puede decir que se cree en la determinación y quererle imponer fórmulas contra la voluntad de nuestro pueblo. El Presidente Kennedy respetó esa voluntad y yo lo invito a que siga esa tradición de la familia Kennedy.

[Applause.]

Mr. ACEVEDO. Y en segundo lugar, yo quiero que me entienda porque entiendo profundamente que usted está de buena fe tratando de entender al pueblo de Puerto Rico. Puerto Rico es un pueblo, un pueblo cuyo idioma en las escuelas es el español. Y lo es por votación unánime de nuestra Legislatura, se enseña en español por votación unánime.

Y es un pueblo que no es asimilable y que no quiere ser minoría de nadie pudiendo ser mayoría y defender su cultura en nuestra propia tierra. Como no quiere asimilarse, por eso han objetado esta vista.

Mr. KENNEDY. Under your territorial status, we have the power to regulate your immigration. We have the power in the United States Congress, to tell you that it is going to be English only. And as a territory you have to adhere to that.

[Applause.]

Mr. KENNEDY. I would rather let you decide to have Spanish along with English, or whatever other language you'd like, but under the current territorial system, it is very difficult for you to do that. I would only respect that in this current Congress, and you only need to turn on C-Span to find out what's going on, that it is very important now that people hold on to their power because they need all the power they can get.

Mr. ACEVEDO. Eso es lo que estamos haciendo.

Mr. KENNEDY. And that's why I'm for the position that I've taken. But I respect the way you've come about doing this.

Mr. ACEVEDO. Lo que le quiero explicar es que en el Estado Libre Asociado, nosotros . . . parte del convenio es el respeto a la cultura de Puerto Rico. Esa fue la representación que los Estados Unidos bajo presidentes demócratas y republicanos le han hecho al mundo.

Nuestra cultura, nuestro idioma español es propiedad del pueblo de Puerto Rico y no puede . . . no puede el Congreso de Estados Unidos quitarnos el idioma que nuestro país pagó en la.

[Applause.]

Mr. KENNEDY. Let me just say, when President Kennedy was President, he respected that. Unfortunately, under Commonwealth status, that is not determined by the law it's determined by the person.

And I respect the fact that President Kennedy respected that through his many actions, and his friendship with Muñoz-Marin. I thought that was very—Muñoz-Marin was a very good friend of President Kennedy's.

But times are changing and . . .

[Applause.]

Mr. KENNEDY. Not the friendship from President Kennedy. But these are now constitutional challenges. It's not simply persons, people themselves, personalities. We are now talking about the fundamentals.

So, I agree with you. President Kennedy felt that way, and I admire what he stood for, and I hope to carry on his legacy. And, again, but I respect what you say, and I think this is the healthy debate that should take place in a democratic process.

Mr. ACEVEDO. No hubo cambios para los principios y los valores, someternos—

[Applause.]

Mr. ACEVEDO.—de que los tiempos cambian pero los valores y los principios que animan el respeto entre los seres humanos se mantienen a través del tiempo. Y esa es mi invitación a ustedes.

Mr. KENNEDY. The final point I want to make is that times change but we live under a law. And that's what we need to change, because we cannot depend on people, we must depend on the law.

Mr. ACEVEDO. Yo le invito a que lea la Ley 4448 y la Ley 600, son leyes hoy, el estado vigente del Derecho. Y la Resolución 748, que es la ley internacional hoy. Y esa es la ley que yo invito a que se respete, la ley vigente.

Mr. KENNEDY. And, unfortunately, the Congress, through its many changes to the laws of our bilateral relationship, has not respected that bilateral contract under Commonwealth status. And that is the point, but—

[Applause.]

Mr. ACEVEDO. Si alguien no lo respeta, pues hay que ir a los tribunales que son los que determinan—

[Applause and booing.]

Mr. KENNEDY. Thank you, Mr. Chairman.

Mr. BURTON. First of all, Mr. Mayor, you are a consummate politician. And I have to give you credit for that. But I must say that some of the remarks that you have made recently are quite inflammatory and I don't think it serves you well.

For instance, when you likened Congressman Young and his legislation to Hitler's move back in the thirties, I think you do yourself a disservice. And I don't think it serves your cause well.

In addition to that, the last part of your opening remarks are quite inflammatory, I think, because it says, "Please be aware, Members of Congress, that the people of Puerto Rico must be respected."

That's why we're here. We're here because we respect the people of Puerto Rico and we want to do the right thing.

[Applause.]

Mr. BURTON. You say "Our dignity is not for sale, nor is it willing to be humiliated." We are not here in any way to try to humiliate the people of Puerto Rico. We want to do what's right for Puerto Rico, and that's why this hearing is being held.

In the last sentence you say, "Please be aware, Members of Congress, that Puerto Rico shall never be bought and shall never surrender." That sounds like a declaration of war. We are not here to declare war, we are here to work things out.

[Applause.]

Mr. BURTON. Now, let me say, Mr. Mayor, that in your advertisement, which is in the paper today, you talk about the memorandum by the Government of the United States to the U.N. And in that it says very clearly, "Congress has agreed that Puerto Rico

shall have, under the Constitution, freedom from control or interference by the Congress in respect of internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act, and the acts of Congress authorizing and approving the Constitution as may be interpreted by judicial decision.

Those laws which directed or authorized interference with matters of local government by the Federal Government have been repealed.”

So then we look into the law. And in the case of *Harris v. Rosario*, 446 U.S. 651 in 1980, and in the case of *Puerto Rico v. Branstedt* on June 23, 1987, the U.S. Supreme Court ruled—the U.S. Supreme Court, which is in your advertisement—the U.S. Supreme Court ruled that Puerto Rico never ceased to be a territory under U.S. sovereignty, and that Congress could treat Puerto Rico differently from the States of the Union provided there is a reasonable basis to do so.

Then we'll go back to the testimony, back in March of 1950, of then Governor Muñoz when he said, “This project does not change the fundamental condition of Puerto Rico of non-incorporation, and only permits Puerto Rico to develop its own self government.”

Testifying at a subsequent hearing in the committee the same year, then Resident Commissioner, Antonio Fernos-Insern said, “The project will not alter the sovereign powers of Congress over Puerto Rico under the Treaty of Paris.”

Now, in a newspaper column you said, talking about my views of Puerto Rico, and bilateral pact, you said, “Well, Congressman Burton must read the laws of the United States. It is in 48 U.S. Code Annotated.”

So let me go on and read what that says. I have the annotated law here.

“Fully recognizing the principle of government by consent, Section 731(b) and 731(e) of this title are now adopted in the nature of a compact so the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.”

But then you go into what the Congress said this meant. And if you look on page 48/731(b) it says, “It is important that the nature and general scope of S. 3336 be made absolutely clear. The bill under consideration would not change Puerto Rico's fundamental political, social, and economic relationship to the United States.”

It further says, “—and other matters of purely local concern over which you have control.”

But it is very, very clear that we do not cede constitutional authority to Puerto Rico on a bilateral basis. That's just not done.

Now, I had another question. I had a question to ask you here.

Mr. ACEVEDO. May I comment on that, on your remarks, sir?

Mr. BURTON. Now you said, I think, that because of this admonition, or remarks we made to the United Nations, that we were ceding control or authority to Puerto Rico, at least on a bilateral basis.

Let me get my question. One second.

If the U.S. went back to the United Nations, and informed that body that it turns out that Puerto Rico has not become fully self

governing as we had hoped and expected in 1952, what do you think the United Nations would do if we ceded that to them?

Would you think that they would give you the options of either statehood or independence? They certainly couldn't give you Commonwealth status. They would have to give you one or the other, would they not?

Mr. ACEVEDO. No, no, no.

Mr. BURTON. How could the United Nations overrule the Constitution of the United States?

Mr. ACEVEDO. No, si es que lo que sucede . . . lo que sucede es que la Ley 600 . . . y si usted lee la Ley 4448, que fue la que aprobó la Constitución de Puerto Rico en el año 52', se refiere por nombre y apellido a la palabra, "Commonwealth". Esa no me la inventé yo, esa fue la aprobación del Congreso.

Y las palabras antes las Naciones Unidas no son palabras que me inventé yo, fueron las palabras del Presidente Eisenhower, del Secretario . . . del Embajador Cabot Lodge y de la representación de los Estados Unidos ante las Naciones Unidas.

Y si ahora alguien aquí opina lo contrario, estaría diciendo que se cometió un fraude monumental por los propios Estados Unidos, donde la palabra, la honorabilidad y el—

[Applause.]

Mr. ACEVEDO. Así que las Naciones Unidas no tienen nada que disponer porque ya dispusieron.

Sí solamente quiero hacer un comentario si me permite el distinguido amigo, en cuyo distrito viví un tiempo, en Indiana. Yo considero que el proyecto que usted . . . y por razones que yo no quiero catalogar, atenta contra el básico respeto a los votos en Puerto Rico. Contra lo que nosotros entendemos que son los fundamentos de los principios americanos, que es el respeto a la urna electoral.

Por eso nos ofendió en lo más íntimo de nuestro ser que personas que nos respetamos con su profunda vocación democrática, quisieran invalidar e impugnar la voluntad expresada por nuestro pueblo. Es una voluntad que corresponde a la aprobación por unanimidad en mayo de 1990 del Proyecto De Lugo y del proyecto firmado también por el Representante Young que disponía para la celebración de un plebiscito en Puerto Rico y recoge las fórmulas del Estado Libre Asociado, la Estadidad y la Independencia.

Y ese proyecto disponía casi junto a las palabras que se incluyeron en el 93', los mismos conceptos básicos del Estado Libre Asociado. Bajo esa confianza, bajo esa palabra continuada del 50' del Congreso de los Estados Unidos, del 52', del 53' de su gobierno ante las Naciones Unidas, de la palabra de ustedes en el 90', fue que nosotros fuimos al plebiscito en el 1993.

Y ese respeto a la urna electoral, a la democracia es lo que yo vengo a pedir aquí. Yo no quiero ofender a nadie que no ofenda al pueblo de Puerto Rico. Pero quien no respete el valor de igualdad ante los seres humanos, entonces necesita ser confrontado con sus propios hechos de su propia historia.

[Applause.]

Mr. BURTON. Let me conclude because I see my time has expired. But I would like to read this real briefly.

The U.S. told the U.N. in 1953, very clearly, the U.S. Constitution would still apply, and judicial rulings would apply, and the authority of Commonwealth was limited to local affairs. That is very clear.

The Young bill is based on the Supreme Court ruling saying that Puerto Rico is still under the territorial clause, and we are trying to complete the decolonization process.

And I go back to citing what was said in 1953, the case *Harris v. Rosario*, U.S. Supreme Court, on June 23, 1987—and this is the law—ruled that Puerto Rico never ceased to be a territory under U.S. sovereignty and that Congress could treat Puerto Rico differently from other states of the Union provided there is a reasonable basis to do so.

Finally, the letter which we sent down, requested by your legislature, clearly defines what Commonwealth status is. And if the Young bill is passed, that definition should be the definition that is on the ballot, so the people of Puerto Rico clearly understand what Commonwealth status really means, instead of what your definition is.

[Applause.]

Mr. ACEVEDO. La designación de . . . ¿me permite contestar? La definición que nosotros pusimos en la papeleta es la misma definición que Estados Unidos presentó ante las Naciones Unidas, la que ustedes aprobaron en el 50', la que ustedes aprobaron en el 52', la que la Comisión de Estatus referendó en el 65'. Y todos y cada uno . . . todos y cada uno de los desarrollos propuestos tiene un precedente exacto en acciones previas del Congreso.

Y si usted busca la Resolución de mayo de 1990, aprobada por unanimidad por todos los que están aquí, con excepción del que no estaba allí, específicamente se refiere a los mismos conceptos que pusimos en la papeleta.

Y esos conceptos refrendados, no por un plesbicitito que nosotros propusimos, si no que nos impusieron y que entonces a solicitud de los que lo propusieron fuimos al mismo, ahora merece ese respeto de implementarse de buena fe y de manera constructiva los resultados de la urna electoral de Puerto Rico. Ese es el reclamo del respeto de nuestro pueblo.

[Applause.]

Mr. YOUNG. Mr. Abercrombie.

Mr. ABERCROMBIE. Mayor Acevedo, aloha. Thank you for having us here in Puerto Rico.

Mr. Mayor, I'm interested in the question—I'm interested in expressing to you a question that comes from your testimony, that occurred to me in the course of reading your testimony and listening.

One of the points you make—you say, "Here in Puerto Rico the votes were already counted. In explaining those results some wish to now rewrite history, and alter the will of the people. That behavior constitutes an offense to the Puerto Rican people."

I won't dispute that that is your view. But the very fact that we are having a hearing and having a bill, to which you have to respond, and which causes you pain and difficulty, indicates to me that this Commonwealth status is always subject to reinterpretation by the Congress.

So while I comprehend and fully understand and respect your point of view, is it not the case that you may be facing this situation over and over and over again if the Congress chooses to redefine Commonwealth?

Mr. ACEVEDO. En la política, distinguido Congresista, no hay victorias finales. Y lo que a nosotros nos ofende es que aquí hubo un plesbicitito y que aquí este proyecto es producto de la negociación, no por los que ganaron el plesbicitito, sino es producto de la iniciativa y de la negociación con los que perdieron el plesbicitito. Y esa es una falta de respeto a la dignidad de la dignidad de los puertorriqueños.

A nosotros nos impusieron ese plesbicitito. En el 1989 a 1991, se estableció un procedimiento de diálogo con las tres fórmulas en Puerto Rico. De hecho, si usted revisa en el 90' se aprobó una resolución por unanimidad por la Cámara acogiendo las mismas definiciones sustancialmente que nosotros propusimos en la papeleta. Y que ahora luego que ganamos, vengan a excluirse las propias definiciones resulta en algo que no sigue la tradición democrática de ese Congreso.

Mr. ABERCROMBIE. Yes, that's my point, Mr. Mayor. Are you not making then a case for independence for Puerto Rico?

Mr. ACEVEDO. No, yo no. . .

Mr. ABERCROMBIE. Because if you were independent, then this wouldn't, couldn't occur over and over again. It would seem to me an argument could be made both against Commonwealth and statehood, and then you would seem to be making an argument for independence with the last statement.

Mr. ACEVEDO. No mire, yo represento aquí la voluntad de mi pueblo. Y afirmar su identidad puertorriqueña en una relación especial de mucha afirmación puertorriqueña y de mucho respeto y responsabilidad a la ciudadanía de los Estados Unidos.

La ciudadanía, como alguien dijo aquí, hemos defendido desde mi padre y mi tíos en el uniforme hasta este servidor. Y que yo cumplo mi responsabilidades con esa ciudadanía al máximo. Pero mi responsabilidad con esa ciudadanía no puede conllevar la disolución y la asimilación de mi pueblo y la falta de respeto a su democracia, de eso es que se trata.

[Applause.]

Mr. ABERCROMBIE. Mr. Mayor, Chairman Young has indicated that he is not unwilling, but looking with great interest at the idea of modifying this bill to include the concept of Commonwealth. But he, at the same time, has said that he believes that an accurate definition of Commonwealth should be included.

Are you opposed to the bill if the Commonwealth concept was added to it with a definition which would incorporate some of the points that you just mentioned?

Mr. ACEVEDO. Yo le explico al distinguido Congresista que aquí un hubo plesbicitito. El Congreso. . . ustedes expresaron en el 1990. . . la Cámara por unanimidad los parámetros de las diferentes fórmulas. Y que si uno revisa lo que este proyecto trae, este es un proyecto de imposición para la estadidad. Para que aquellos que quieran. . . que tengan algún temor a la independencia, tengan que votar por la estadidad.

Si ustedes quisieran. . .

Mr. ABERCROMBIE. Mr. Mayor, por favor. . .

Mr. ACEVEDO. . . . y respetar el plesbicitito, podemos dialogar sobre eso, lo cual no ha sucedido al día de hoy. Las puertas están abiertas para dialogar sobre el resultado del plesbicitito.

Mr. ABERCROMBIE. Well, may I take it—

[Applause.]

Mr. ABERCROMBIE. I'm asking that. . . I'm asking the question in good faith. May I take it that your answer is that if Commonwealth was added to the bill, with a definition that incorporated some of the ideas you were speaking about, that you would be willing to at least look at that, should Chairman Young put it forward?

Mr. ACEVEDO. Lo que yo he expresado es que estoy dispuesto al diálogo sobre la implementación y el respeto a la voluntad expresada por nuestro pueblo, cosa que no ha sucedido. Aquí este proyecto desde sus primeros capítulos a terminar, van en una diatriba contra el Estado Libre Asociado, contra los compromisos contraídos de los Estados Unidos, yo no veo que se ha enmendado.

Y si queremos empezar un proceso de buena fe, de diálogo y de respeto, las puertas están abiertas.

Mr. ABERCROMBIE. Let me finish. . . let me finish by saying then that this is a legislative process, as the Chairman indicated, and legislation is all subject to modification. And I've known Mr. Young for a number years, both in the majority and now in the minority, and I've never found him to be anything less than totally fair.

So I can assure you that he will take into consideration, as a result of this hearing, every point of view that has been put forward.

Mr. YOUNG. I thank you, gentlemen. The gentleman from Wisconsin, have you asked questions already? The gentleman is recognized for five minutes.

Mr. ROTH. Thank you, Mr. Chairman.

Mr. Mayor, I must say that I'm impressed with your courage. You are quite a fighter. You've been taking a lot of hits here, and you seem to give it back as well as you receive. And I respect that in a man.

I want to say this, I feel that people are going to be treated fairly, because I know the Chairman of this Committee. I know Don Young, he is a neighbor of mine, and I've been serving with him for eighteen years, and he is a man of high integrity and that's why I feel you are going to have a fair hearing.

[Applause.]

Mr. ROTH. Let me you ask you a brief question. In the last election Commonwealth won the election. You got more votes than anyone else.

Was your party consulted about the wording of the context of this legislation? The reason I ask that is because when the mayor, I mean, when the Governor sat in you chair, Mr. Mayor, he said that he was involved in the drafting, or he came up to Capitol Hill and wanted to change some of the legislation, and so on.

Now you won the election. I would like to ask you, were you involved in writing of this legislation?

Mr. ACEVEDO. No hemos sido consultados, ni hemos participado en forma alguna en la redacción, ni en la implementación de este

proyecto. Por el contrario, aquí han participado y han venido a redactar este proyecto los que perdieron en el plesbicitó.

Esto uno. . . es, Señor Congresista, como si nosotros fuéramos ahora a negociar con los que perdieron en su distritos respectivos, en el estado suyo. Como si los que perdieron fueran a negociar con los que ganaron. Y eso es lo que ha sucedido con este proyecto. Y por eso desde sus inicios hemos tenido que compartirlo genéticamente.

Mr. ROTH. Let me ask you this, because like the other members of this panel, or like most of them, I am, you know, just coming in from the outside. I do not know all the nuances here.

Do you feel that the current governing arrangement between the United States and Puerto Rico is not consistent with the wishes of the Puerto Rican people, or the concept of Puerto Rican self government?

Mr. ACEVEDO. Yo entiendo que el Estado Libre Asociado es producto de la voluntad compartida entre el gobierno de los Estados Unidos y el pueblo de Puerto Rico. Y que el fundamento de esa voluntad lo es la democracia y la voluntad libre ejecutada en ese momento. Y yo por ello entiendo que mientras hay un fundamento de democracia, ese es el fundamento básico de una relación legítima entre comuno.

Mr. ROTH. Well, let me ask you this question. Like I said to the Governor, I respect him very much, and I am just looking for a fair and honest answer.

I respect you very much, Mr. Mayor. You strike me as a man of high integrity, and you certainly are a man that—you are really composed. I mean, I don't think you've got a nerve in your body.

Let me ask you this. It seems to me that after the 93' election the people who lost were upset with losing, and now they want to nullify the election, and they are looking for ways to do it. Is that a fair analysis? Am I wrong?

Mr. ACEVEDO. Está estrictamente correcto. Los que ganaron aquí las elecciones del 92' en su perfecto derecho han reclamado respeto para su mandato electoral. Ese mismo respeto en la democracia lo tienen que tener cuando pierden como perdieron el plesbicitó.

Aquí ese respeto se requiere para el triunfo del Estado Libre Asociado. El mismo respeto que cuando se pierden o se ganan unas elecciones. No se puede creer en la democracia solamente cuando se gana.

[Applause.]

Mr. ROTH. I have no further questions, Mr. Chairman, and I appreciate you yielding this time, and I appreciate the mayor for giving me those answers.

Mr. YOUNG. I thank the gentleman from Wisconsin. The gentleman from Guam, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

I assume that, based on your testimony, that you accept Commonwealth as a form of self determination, as being truly an expression of self determination.

Up on the wall here there is a series of territories, such territories in which it was described that these were, that they were under U.S. tutelage, as it were, and eventually achieved a self determination.

And one of those is Palau. And in the case of Palau they had 6-7 elections before it was finally accepted. And in that process, or rather, you know, it wasn't best 4 out of 7, it was, people kept holding elections until they got the decision they wanted, and then they stopped holding elections.

And my question to you is, if you accept Commonwealth as a form of self determination, wouldn't it be logical that you would not have any more elections?

Or under what conditions do you think that there should continue to be plebiscites in the case of Puerto Rico?

Mr. ACEVEDO. No, el pueblo de Puerto Rico. . . el Estado Libre Asociado no es un estatus que encadena la voluntad del pueblo de Puerto Rico. Es un estatus tan permanente como lo quiera nuestra gente porque se va a hacer en su libre determinación.

Y por eso hemos participado en un plesbicitito en el 1967 y el 1993. Lo que no podemos tener, distinguido amigo, es plesbicitos aquí continuamente que dividan la familia puertorriqueña.

[Applause.]

Mr. ACEVEDO. Ya el pueblo decidió. . . el pueblo decidió, ya nosotros necesitamos a todos los puertorriqueños trabajando unidos por nuestro pueblo. Y no manteniendo continuas divisiones en nuestra gente.

El futuro del pueblo de Puerto Rico siempre está abierto a consultas democráticas porque el Estado Libre Asociado no cierra puertas a ninguna forma política. Pero requiere del pleno ejercicio de la voluntad cuando también se decide a favor del Estado Libre Asociado.

[Applause.]

Mr. UNDERWOOD. Then clearly under your definition and explanation of Commonwealth, it is conceivable to be continually involved in this process of confrontation. There was one point, and maybe it was the translator who interpreted this remark, but there was one point in which you said—and I'm trying to remember—that it was a free expression of the Puerto Rican people, and it was their determination, and that that is what is being respected in this process.

It seems. . . am I misstating it?

Mr. ACEVEDO. ¿En cuál proceso? In which process?

Mr. UNDERWOOD. The process of political status, the process of determining the political status.

Mr. ACEVEDO. O sea, el pueblo de Puerto Rico se ha manifestado con libertad en la expresión de sus plesbicitos, de sus referendums. Y eso es el ejercicio de nuestra libre determinación que merece respeto.

Cuando vimos este proyecto que definitivamente denegaba. . . denegaba la historia del desarrollo de esta relación e imponía una visión sobre nuestro pueblo dirigiendo el resultado antes de consultarnos, era algo que no respondía ni a la democracia, ni a la mejor tradición americana, ni a la libre determinación de nuestro pueblo.

Mr. UNDERWOOD. OK. Aside from the issues that pertain to this particular bill, you said that the Commonwealth decision is the free determination of the Puerto Rican people.

Mr. ACEVEDO. Sí señor.

Mr. UNDERWOOD. Yet, in the explanation of Commonwealth clearly we are talking about something that is either mutual or bilateral in tone. And I would submit that there is some disjuncture, or some disconnect between saying that it is the free determination, when it is not possible to make that determination entirely on your own, because after all it is a bilateral or a joint arrangement, is it not?

Mr. ACEVEDO. No, pero lo que sucede es lo siguiente, por determinación de nuestro pueblo, nosotros queremos una unión permanente con los Estados Unidos que nos permita mantener nuestra identidad, que nos permita una cultura de trabajo en Puerto Rico.

Y eso requiere un compromiso con los Estados Unidos, un convenio como el que se nos ofreció en el 50', que fue aceptado directamente por nuestra gente en las urnas. El Congreso no legisló e impuso la Constitución de Puerto Rico. El Congreso le permitió a Puerto Rico votar si quería forjar su propia constitución. Y luego, con las urnas de Puerto Rico aprobó eso.

Ese respeto a la democracia, a la forma constitucional de Puerto Rico, a establecer dos esferas de soberanía, la Federal y la de Puerto Rico en asuntos locales es lo que avaló nuestro pueblo en las urnas y aprobó el Congreso.

Y ese acuerdo es lo que legítima la relación de Puerto Rico y el ejercicio de su libre determinación.

Mr. UNDERWOOD. Thank you very much.

Mr. YOUNG. Thank you to the gentleman from Guam. The Governor, the delegate, Mr. Romero-Barceló, is recognized.

Mr. ROMERO-BARCELÓ. Thank you Mr. Chairman. Mr. Mayor, it's a pleasure to have you here and I think it's a wonderful opportunity that we have to discuss—

Mr. YOUNG. Point of order. . .

Mr. ROMERO-BARCELÓ. It's a wonderful opportunity we have here to discuss publicly an issue which is very dear to our hearts, and very important to Puerto Rico. And I think this is the stuff that democracy is made out of.

Mr. Mayor, I just want to make sure for the record, you are here not as Mayor but as the President of the Popular party, am I correct?

Mr. ACEVEDO. Sí señor.

Mr. ROMERO-BARCELÓ. And the Popular party is a party that established, thought up the concept of Commonwealth as we know it in Puerto Rico, and has defended it, and defends the concept, the status of Commonwealth, is that correct?

Mr. ACEVEDO. Correct.

Mr. ROMERO-BARCELÓ. And you are the spokesman for that, and the Commonwealth people here today also, am I correct?

Mr. ACEVEDO. Es correcto.

Mr. ROMERO-BARCELÓ. And, Mayor, as a spokesman for the Commonwealth supporters—and I know that you have been vacillating and refusing to answer this question, I'm going to try to make it as simple as possible, and not for my sake, not for my sake please, but for the sake of the people of Puerto Rico, I wish you that you would answer. The question is going to be very simple. You would answer with a yes or no because I think it can be.

If the proposal that has been made by the Governor, that Commonwealth be included in the ballot, and if the Commonwealth as it is, is included in the ballot, would you participate in the referendum then? Yes or no.

If you want to go on a political speech again, go ahead, we you cannot stop you, but I wish, for the sake of the people of Puerto Rico, that you would answer yes or no.

Mr. ACEVEDO. Yo entiendo que usted cada vez que yo contesto y no le gusta la contestación, dice que es un discurso político y esa es su prerrogativa.

Pero lo que yo voy a decir es lo siguiente—

[Applause.]

Mr. ACEVEDO.—si usted tiene una diferencia con el Sr. Gobernador de su partido, ustedes la pueden dilucidar. Nosotros queremos que se respete la voluntad del pueblo de Puerto Rico. Y en esa voluntad del pueblo de Puerto Rico, usted participó del plebiscito y lo perdió.

[Applause.]

Mr. ACEVEDO. Y no tiene mandato ninguno para ir al Congreso a tratar de diluir o impedir el ejercicio de esa voluntad, que es el Estado Libre Asociado.

Y en segundo lugar, definir el Estado Libre Asociado bajo las premisas de ese proyecto no es una forma respetable para nosotros. Nosotros queremos que se implementen los resultados del plebiscito del 1993. Y a base de eso es que deben comenzar los procesos de conversaciones.

Mr. ROMERO-BARCELÓ. In other words, your answer is no.

[Applause.]

Mr. ACEVEDO. Yo nunca lo autorice a usted a traducirme a mi.

Mr. BURTON. I thank the gentleman for yielding.

Mr. Mayor, sometimes I feel like we're going around in circles.

The fact is, the fact is, Mr. Mayor, the state legislature down here, the Legislature of Puerto Rico asked the Congress for a definitive answer on what Commonwealth status meant.

We went through the legal process, not one, not two, but four Committee Chairmen. . . four chairmen, and we had our legal staffs go through all of the documents concerning that plebiscite, and the definition of Commonwealth status.

We sent a very definitive letter to the Legislature explaining what Commonwealth status is, and it did not coincide with what you put on the ballot.

And so what was on the ballot in 1993 was a bogus Commonwealth argument. And until you put the correct language on the ballot the people of Puerto Rico will not be voting on what truly is Commonwealth status, according to the United States Constitution and the Congress of the United States.

That is the problem.

[Applause.]

Mr. ACEVEDO. . . . eso fue lo que ustedes pidieron. . .

[Applause.]

Mr. ROTH. Mr. Chairman, Mr. Chairman, would the gentleman yield? Before the Mayor answers I would like to ask the Chairman if the gentleman would yield for just a short question?

Mr. ROMERO-BARCELÓ. I'm running out of time, but I will.

Mr. ROTH. Well, I thank you for yielding. The question I have of Mr. Burton is this: when did the Congress of the United States vote on that definition?

Mr. YOUNG. Gentlemen, gentlemen, please. You and I and Mr. Burton can discuss this issue between ourselves. We have a witness before us right now who has been answering questions by Mr. Romero.

Mr. ROTH. Well, Mr. Chairman, I just had a question of you, Mr. Chairman.

Mr. YOUNG. You can have a question of the witness, please. Or make a statement, if you want.

Mr. ROTH. Mr. Mayor, the question I would have, my dear friend and colleague, Mr. Burton, said that Congress gave you the definition. The question I ask—I know you are involved in this—I am a member of Congress, and I never remember voting on that. I don't know that Congress ever expressed in a vote—I know some committee chairmen may have said something—but I never remember the Congress voting on that.

Mr. ROMERO-BARCELÓ. Let me reclaim my time, please. I just want to ask one question before my time is over.

Mr. ACEVEDO. May I answer, may I answer the question of Mr. Burton?

Mr. ROMERO-BARCELÓ. Excuse me. Let me, let me ask a question before my time is over.

Let me just ask my question, let me ask my question before my time is up.

I just want to say, to ask you: you were very concerned about the voting that constitutes one of the most precious values of our people, and that's correct.

And you're concern about the fact that you are not being, you say, you're not being given an opportunity to vote.

Now, if you're so concerned about not being given an opportunity to vote, Mr. Mayor, please explain. Are you not concerned about the fact that you and your party have been denied, and pretend to deny to the people of Puerto Rico, all of the 3,700,000 citizens, not just the minority but all of us, the right to vote, and the right to be represented in the Nation that we are citizens of? Doesn't that concern you, Mr. Mayor?

[Applause.]

Mr. ROMERO-BARCELÓ. You can answer.

Mr. ACEVEDO. Tengo que contestar las dos preguntas. La del Sr. Burton para decir que todo lo que puso en esa papeleta es la expresión aprobada por el Congreso en el 1950, 52' y la posición oficial de los Estados Unidos en el 1953 ante las Naciones Unidas.

Y que no ha habido ninguna expresión del Congreso, aparte de una carta de algunos miembros del Congreso lo cual tienen su derecho, revocando. . . revocando la expresión y la ley vigente en el día de hoy.

Y en cuanto a la preocupación del compañero y distinguido miembro, Comisionado Residente, lo que quiero expresar es lo siguiente, no se puede hablar de democracia si no se están dispuestos a respetar los resultados. La estadidad perdió el plesbicitó—

[Applause.]

Mr. ACEVEDO.—no se hablar de democracia y no se respetan los resultados aversos cuando aun pierde las elecciones.

Mr. YOUNG. Thank you, Mr. Mayor, thank you for being here as a witness.

Mr. ACEVEDO. Thank you.

Mr. YOUNG. The next witness.

[Applause.]

Mr. YOUNG. Will the remaining audience please take their seats. Now we have the Honorable Rubén Berrios-Martínez, President of the Puerto Rico Independence party.

Welcome. Thank you for being before us today, and thank you for coming to see me in Washington, D.C. You're on. And let's keep it quiet, please, in the back, until we hear this witness.

**STATEMENT OF RUBEN BERRIOS MARTÍNEZ, PRESIDENT,
PUERTO RICAN INDEPENDENCE PARTY**

Mr. BERRIOS MARTÍNEZ. Señores Congresistas, después de escuchar a los Presidentes del Partido Nuevo Progresista y del Partido Popular, me imagino que ustedes deben estar pensando que las perspectivas de que se logre un proyecto que cuente con un apoyo amplio en el país son bastantes limitadas. Pero muchas veces el desafío produce las respuestas.

Traigo ante ustedes una propuesta dirigida a lograr el más amplio apoyo posible sin que nadie tenga que rendir sus principios fundamentales. Este proyecto bajo consideración aunque tiene graves deficiencias que deben corregirse, también tiene grandes méritos. Y constituye un paso importante en el proceso de descolonización de Puerto Rico.

El proyecto reivindica la posición histórica del independentismo. Reconoce la existencia del colonialismo y propone que nuestro pueblo pueda escoger entre alternativas descolonizadoras.

Por eso el proyecto perdería su gran medida si como propone el Gobernador incluyera como alternativa una opción como la del estatus actual que el propio proyecto impugna como territorial y por ende, colonial. Ya no sería entonces un proyecto descolonizador.

¿Desde cuándo existe en la democracia un derecho adquirido a optar por el colonialismo, una institución de servidumbre, que al igual el "apartheid" y la esclavitud ha sido proscrita del mundo civilizado?

Por su parte, el liderato del Partido Popular considera, como ya ha expresado aquí el Alcalde Acevedo, que el proyecto es uno de imposición unilateral y antidemocrática y una trampa electoral. Es necesario por lo tanto, una propuesta que acople los legítimos intereses de los diversos sectores. Que mantenga el carácter descolonizador del proyecto y que garantice un proceso democrático y bilateral.

Para lograr esos objetivos, propongo que el proyecto se enmiende, primero para establecer un procedimiento que garantice que sea el pueblo puertorriqueño quien democráticamente autorice el proceso de descolonización. Y segundo, para asegurar que las alternativas descolonizadoras se definan de forma justa y balanceada.

Para que el pueblo autorice democráticamente el proceso de descolonización, propongo el siguiente mecanismo. Que el proyecto, luego de ser aprobado por el Congreso y firmado por el Presidente,

no entre en vigor hasta que el pueblo puertorriqueño le dé su consentimiento mediante un referéndum, Ley Young, sí o no. A celebrarse en Puerto Rico con posterioridad a las elecciones del 1996.

Si lo que queremos es democratizar este proceso, esto no se logra trayendo una alternativa colonial como sugiere el Gobernador. Si no sometiendo la Ley Young después de aprobada por el Congreso y el Presidente a la ratificación del pueblo como condición previa para que entre en vigor.

Además mi propuesta deslinda el proceso de estatus de las elecciones generales pues el referéndum se celebraría con posterioridad a las elecciones.

Finalmente, se facilitaría la aprobación del proyecto en el Congreso de los Estados Unidos, pues los enemigos de la descolonización no podrán argumentar que el mismo es anti democrático. Si lo anterior fuera poco, Señores Congresistas, todos, ustedes y nosotros, nos evitamos la vergüenza de que el coloniaje se ofrezca como alternativa a los puertorriqueños.

Debo añadir que el método que propongo tiene precedentes. Un procedimiento similar fue utilizado por el Congreso aquí en Puerto Rico para la aprobación de la Ley 600 en el 1950. En aquella ocasión se utilizó para consolidar el colonialismo excluyendo las fórmulas descolonizadoras.

En esta ocasión se utilizaría para promover la descolonización. En aquella ocasión se desvirtuó el consentimiento utilizándolo para colonizar. Y en esta se utilizaría el consentimiento para descolonizarla.

Pero no basta con incluir en el proyecto el método de consentimiento previo que acabo de proponer. También es preciso que se corrijan otras deficiencias que tiene la medida para garantizar su equidad y balance y para que llegue a ser aprobada por el pueblo.

Un defecto fundamental del proyecto es que está a cargado a favor de la estadidad. El proyecto pinta esa alternativa en colores brillantes e irreales. Al mismo tiempo que pinta la alternativa de soberanía separada de manera opaca, esquemática e injusta.

Para corregir ese desbalance, sugiero que ustedes soliciten a los diversos sectores que sometan sus propias definiciones. Pero de alternativas descolonizadoras para la consideración de este comité. Pero en todo caso, hay que enmendar este proyecto para que diga toda la verdad respecto a la estadidad.

Este proyecto deja la impresión de que Puerto Rico puede convertirse en estado, mantener el idioma español como idioma primario y conservar su identidad nacional como pueblo distinto y separado de los Estados Unidos.

Sobre estos temas pocos han hablado con mayor claridad que el Presidente de la Cámara, Newt Gingrich, co-autor de este proyecto. Recientemente luego de aseverarlo respecto a la nación americana que, y cito, "La asimilación es nuestra meta, el sinecuanon de nuestra supervivencia", cierro la cita.

Concluyó que sin inglés como idioma común, cito, "No hay civilizaciñn americana", cierro la cita. Señaló además y cito, "El concepto mismo de los derechos de grupos contradice la naturaleza de América", cierro la cita.

Me refiero también a las palabras del Senador Demócrata, Moy-nihan cuando planteó ante el Senado y cito, “ ¿Quieren los puertorriqueños convertirse en americanos? Porque es lo que implica ineludiblemente la estadidad, eso es lo que trae la estadidad. ¿O quieren preservar su identidad separada?” y cierro la cita.

Ese es el claro concenso bipartista. Debería bastar para llevarlos a ustedes a enmendar el proyecto para dejar claramente establecido que la estadidad implica una ruta de asimilación cultural y lingüística. Debe por lo tanto enmendarse la sección que se refiere al idioma para dejar claro lo absurdo que sería concebir la estadidad para Puerto Rico sin el inglés como el idioma principal en las escuelas públicas y en la rama judicial, legislativa y ejecutiva.

No aclarar este asunto que es crucial, sería perpetuar falsas y peligrosas divisiones entre cientos de miles de buenos puertorriqueños.

Es necesario además, que el Congreso entienda que mientras la nuestra constituya una nacionalidad diferente a la americana, el pueblo de Puerto Rico tendrá el derecho inalienable para la libre determinación e independencia. Es decir, tendrá el derecho a la cesación.

En cuanto al carácter supuestamente descolonizante de la estadidad, debo señalar que cuando se trata de nacionalidades distintas, la extensión de la franquicia electoral Federal de por si no tiene el efecto de hacer realidad para el pueblo colonial su derecho a la plenitud de gobierno propio.

Pero como señalé con anterioridad, el proyecto está desbalanceado no solo porque no dice la verdad respecto a la estadidad, si no por la manera en que describe la alternativa de soberanía separada. El proyecto debe ser enmendado para corregir esa deficiencia.

Por ejemplo, el trato que se da en el proyecto al problema de la ciudadanía bajo la libre asociación, al igual que la forma en que se trata el asunto del comercio entre Estados Unidos y Puerto Rico, para mencionar solo dos áreas importantes, constituye una grave injusticia. Ya que en estos aspectos la propuesta ni guarda relación con el estado de Derecho actual, ni recoge los reclamos legítimos de los promotores de la libre de asociación.

Respecto a la independencia, basta decir que la descripción escueta y rígida que de ella se hace es correcta en cuanto a sus elementos básicos. Pero incompleta en cuanto a su potencial de flexibilidad y dinamismo.

Más aún, con respecto a la alternativa de soberanía separada propongo que se enmiende para el poder que de optarse por esa alternativa, se convoque al pueblo puertorriqueño a una Asamblea Constituyente depositaria de nuestra soberanía naciente. Que entre otras funciones, decidirá la forma de soberanía propia, libre asociación o independencia que habrá de negociarse con los Estados Unidos.

Por último, quiero confinarles porque yo promuevo con tanto entusiasmo un proceso de definición del estatus mejorado ahí, que podría desembocar inicialmente en un triunfo electoral para una opción que no sea la independencia.

El Partido Independentista está firmemente convencido de que bajo las actuales y predicibles circunstancias, la ruta de la independencia es la ruta de la definición. La que anticipó Don Pedro cuando habló de la suprema definición, o "yankees" o puertorriqueños. Y la que supone un proceso que involucre y confronte al Congreso por la necesidad de ponerle fin a la situación colonial.

Este proyecto si se enmienda, puede ser un importante agente catalítico de este proceso. Siempre está por otro lado sentarse a esperar el proyecto perfecto o alegar que esta es una trampa. Pero no hay que olvidar que en los procesos políticos lo valioso se encuentra bien entrelazado con lo mezquino.

Hay que aprovechar lo bueno y mejorar lo malo. Mal le serviríamos a nuestra causa si permitiéramos que lo perfecto se convirtiera en enemigo de lo necesario. Y lo necesario es echar adelante el proceso de descolonización. Más temprano que más tarde, yo estoy convencido, Puerto Rico se encaminará hacia su propia soberanía.

Ya sea porque el Congreso responda a un reclamo de soberanía separada o porque tenga que enfrentar respecto a Puerto Rico su propia suprema decisión. ¿Estará el Congreso dispuesto a renunciar el principio de muchos unos de "E pluribus Unum?" en que se fundamenta la unión norteamericana aceptando a otra nación distinta como Puerto Rico como estado de la unión? No tengo duda de que el Congreso reafirmará que los Estados Unidos es y continuará siendo una nación unitaria.

En el 1898, finalmente para concluir, el padre de nuestra patria, Betances, ante la enorme desproporción de fuerzas existentes nos señaló el camino que estaría cerrado por tantos años. Cito a Betances, "Tratar pacíficamente con los americanos para obtener una independencia. Es claro que ésta es la solución salvadora.", cierro la cita.

Betances se adelantó un siglo, esa era la solución salvadora que no se pudo hacer realidad entonces. Y esa es la solución salvadora, tanto para Puerto Rico como para los Estados Unidos que como consecuencia de la nuevas circunstancias, se hace posible ahora. Muchas gracias.

[Applause.]

[The prepared statement of Ruben Berrios Martínez may be found at the of hearing.]

Mr. YOUNG. Mr. Berrios Martínez, on page 2 of your testimony, you criticized the legislation for the proposals, if we were to include Commonwealth in the legislation.

And then on Page 3 you actually, page. . . it could be page 3. You say that the bill is a booby trap. I will commend you for offering us some suggestions. But just answer my question. They don't coincide? is my question.

Mr. BERRIOS MARTÍNEZ. Lo que digo es que otros alegan. . . no que yo alego, que otros alegan que es una trampa. Yo lo que digo es que el proyecto es defectuoso, que necesita mejorarse de la forma a la que me referí aquí en mi ponencia. Y que se necesita un mecanismo de consentimiento previo y no el mecanismo de incluir una alternativa colonial.

Mr. YOUNG. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Berrios-Martínez, I understand the differences between you and I, and I don't think there's any point in discussing them, our differences are just differences of where we see our final path going, but we agree definitely in the fact that we are convinced Puerto Rico is a colony, and we have to decolonize it, and we have to start a process. And in that we agree with you.

And I must say also that you are in agreement for the amendment of the bill, in respect to whether you would accept or not the referendum, once the bill is adopted in Congress, before we had the referendum which path to choose. It seems like a very interesting idea, which will be considered by the committee on this, as regards to that. I'm sure that the Chairman will see to it also.

But we will give that very serious consideration. It's an interesting idea, to say the least, I'm not prepared to say anything else today, but . . .

Mr. BERRIOS-MARTÍNEZ. La ventaja es, si me permite el Señor Representante, la ventaja es . . . o mejor dicho, el Señor Comisionado Residente, la ventaja es que ya tiene un precedente en la historia política puertorriqueña. Y que es el precedente que no pueden encontrar algunas personas que hoy en día alegan que se les está escondiendo de este proceso. Pero que en el 1950 y 52' excluyeron a los independentistas y a los estadistas.

Mr. ROMERO-BARCELÓ. Efectivamente, los que hoy se quejan de estar excluidos, no nos incluyeron nunca en el proceso del 52', eso que quede bien claro. Y hemos visto también que hoy él no quiso contestar la pregunta de si participaría o no. Una pregunta tan fácil como esa porque quieren seguir jugando el juego de la indecisión y de confundir la opinión pública, confundir al Congreso. . .

[Applause.]

Mr. BERRIOS-MARTÍNEZ. Yo creo que hay muchísimas personas en Puerto Rico que creen en la autonomía y que deben tener su derecho mediante una enmienda a este proyecto para que se defina la alternativa de libre asociación, cónsona con sus legítimos reclamos.

Lo que no podemos hacer ahora es asumir la actitud de aquellos profesores del siglo XV en España, que cuatro o cinco años después de Colón haber descubierto a América, todavía daban conferencias en la universidad de porque el mundo era plano y no era redondo.

Eso no se puede aceptar, seguir a la altura de casi el Siglo XXI argumentando que Puerto Rico no es una colonia y traer como argumento que en el 1950 con la oposición de la Unión Soviética se aprobó para traer la guerra fría nuevamente a vigencia un proyecto que decía que Puerto Rico no tenía que someter información, no que no lo era colonia, es darse cuenta. . . es no darse cuenta que el mundo (inintiligible) totalmente en (initiligible).

La Unión Soviética ni existe hoy en día. Y el que está diciendo que Puerto Rico es una colonia, son cuarenta y un Congresistas americanos, no es la Unión Soviética que no existe, son cuarenta y un Congresistas americanos. Y debo yo decir que la minoría del pueblo puertorriqueño es la que no acepta eso porque yo estoy seguro que entre los votantes del Estado Libre Asociado hay muchísimos votantes que aspiran a una autonomía plena sin ningún rezago colonial.

Mr. ROMERO-BARCELÓ. Con el permiso, quería sin embargo señalar algo también, que al igual que está cambiando el mundo como bien explica en cuanto los concepto de independencia, unos pudieran variarse. También tengo que señalarle que también en cuanto a la unión también está cambiando el mundo. Y sobre todo los Estados Unidos, para el año ya 2010 al 2020 la mayoría. . . la minoría más grande en todos los Estados Unidos va a ser la Hispana.

Y no hay a lugar a duda de que el idioma español va a jugar un papel mucho más importante en la nación americana, sobre todo ahora que. . .

[Applause.]

Mr. ROMERO-BARCELÓ. . . . que estamos comerciando. . . se está comerciando con América Latina. La importancia del español en. . . dentro de la Nación, va adquiriendo cada vez más impulso.

Mr. BERRIOS-MARTÍNEZ. El Señor Comisionado Residente sabe que él y o discrepamos. Al primero que tiene que convencer de lo que acaba de decir es a Newt Gingrich, el Presidente de la Cámara que no cree como usted.

Y después de eso, explicarle a los Estados Unidos como tener una nacionalidad distinta, no ya un grupo de personas que hable español como una minoría, si no una nacionalidad indistinta, no pone en peligro la fibra de la esencia del federalismo norteamericano.

Por eso el Sr. Roth, que no está muy lejos de Canadá le tiene tanto miedo al proyecto. No es que le tema al proyecto, él a lo que le tiene miedo es a que pidan la estadidad. ¿Sabe por qué?, porque él está al lado de Quebec y obviamente sabe que si la estadidad alguna día se pide, pues el Congreso norteamericano haría lo mismo que yo haría si fuera ellos y es votarle en contra.

Mr. ROMERO-BARCELÓ. Yo sé que. . . . "I'm never going to convince you, you're never going to convince me. So, "muchas gracias".

Mr. YOUNG. And the twain shall never meet. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. I don't have any questions for this witness.

Mr. YOUNG. Thank you, Mr. Burton. The gentleman from Guam, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

I find your suggestion about the, I find your suggestion about holding a referendum on a past Young bill a very interesting one, and I hope that it is entertained.

But I do find part of your testimony very interesting. Earlier, in Governor Rossello's testimony, he had indicated in response to a question I had asked, that even the definition of Commonwealth were "status quo", that he would still be here asking for essentially the same thing.

Mayor Acevedo kind of waffled on the issue of whether or not he would participate in any kind of process authorized by this legislation.

And in your testimony you say that you would never, you would accept the process but that if you, if the vote was for statehood you would maintain that you'd continue to have right to secede.

It seems to me that we are really in a fix here, Mr. Chairman. Nobody here is willing to concede anything.

Mr. YOUNG. Would the gentleman yield in that line?

Mr. UNDERWOOD. Thank you.

Mr. YOUNG. That's not a new idea. In my great state we have twenty-nine percent of people who would like to secede from the union. So it is something that still is there. I went through this battle once before, and it never really goes away. It will always be there.

The gentlemen from—

Mr. BERRIOS-MARTÍNEZ. La diferencia allá es que allá son americanos y aquí somos puertorriqueños, esa es la diferencia. Que en Alaska eso es un problema político, aquí esto es un problema sociológico, político, cultural, lingüístico e idiomático. Es un problema de una nacionalidad distinta.

Alaska en su mayoría no es una nación distinta. Puerto Rico es una nación distinta y por tanto sería un problema de naturaleza distinto.

Mr. YOUNG. OK, the gentleman from Wisconsin, Mr. Roth.

Mr. ROTH. Mr. Chairman I have no questions at this time.

Mr. YOUNG. I thank you. And I do thank you for your presentation, and being very sincere in your obligation to do what you consider right for Puerto Rico. Thank you very much.

Mr. BERRIOS-MARTÍNEZ. Gracias a ustedes.

Mr. YOUNG. Next we will have the Honorable Luis A. Ferre representing the New Progressive party.

[Applause.]

Mr. YOUNG. Welcome, Governor, certainly glad to have you here with us today. And you may proceed.

STATEMENT OF LUIS A. FERRÉ, FOUNDER AND REPRESENTATIVE OF THE NEW PROGRESSIVE PARTY OF PUERTO RICO

Mr. FERRÉ. Good afternoon, Mr. Chairman and gentlemen of the Committee.

Mr. YOUNG. Pull that, pull that mic a little closer to you, please.

Mr. FERRÉ. Yes, my name is Luis A. Ferré. I'm a very young man who has been waiting for 92 years to see the Congress of the United States give Puerto Rico the opportunity to get rid of being a colony, and becoming a State of the the Union.

[Applause.]

Mr. FERRÉ. So that is why we are here.

Now, I was rather amused to hear the mayor of San Juan saying that he was in love with a young lady, but that he was going to be the one that was going to determine how he is going to marry the lady. She will have nothing to do with it. She has nothing to decide. He was the one who has to decide.

So the mayor of San Juan wants to decide Puerto Rico's self determination only from the side of Puerto Rico, but he doesn't give Congress or the United States any chance to say anything about it.

And that is what I think has gone wrong.

Now, the New Progressive party stands firmly behind the Young bill, entitled "The United States-Puerto Rico Political Status Bill."

We're very happy that you have defined very clearly what Congress can do, and what Congress cannot do, in this bill.

And we are very happy indeed that you all subscribed H.R. 3024, which finally opens the road for Puerto Rico to make a decision on its ultimate political status in a dignified manner, that becomes the United States Congress, and the people of the United States, including statehood as an alternative which was the implicit understanding under which the people of Puerto Rico welcomed the American forces of General Miles in 1898.

Upon landing, General Nelson Miles published a proclamation. This proclamation was considered, by our political leaders, and the Puerto Rican people, as a moral commitment by the United States to accept Puerto Rico eventually as a State of the Union with full U.S. citizenship.

Accordingly, both political parties that participated in the elections of 1900, under the leadership of the two most important and respected leaders, Barbosa and Muñoz Rivera, included statehood in their platforms.

Unfortunately, and to everybody's disappointment, Congress enacted the Foraker bill to establish the first civil government in 1900, which did not grant United States citizenship to Puerto Ricans, acting in contradiction to the established policy of accepting territories only to become States.

However, the people of Puerto Rico did not lose their confidence in the ultimate spirit of justice of the United States, and persisted in their demands for United States citizenship, as a step to ultimate statehood.

We are now approaching 100 years from the date of the signature of the Treaty of Paris, which bestowed upon Congress the power to determine the political destiny of Puerto Rico. It took Congress 19 years to grant United States citizenship under the Jones Act, and to establish an elected Senate. It took Congress 50 years to provide for an elected governor.

It took an additional four years to allow us to draft and approve our own State like Constitution in 1952, through an elected Constitutional Convention to which I had the honor of being elected as a statehood advocate and spokesman.

In 1950, Congress authorized the people of Puerto Rico to vote in a referendum to accept or reject Law 600, which provided for the adoption of the local Constitution, as well as the other amendments to the Jones Act of 1917.

And this is what I want to point out.

This authorization was described as one adopted in "the nature of a compact," in the nature, to make it clear that it did not constitute a constitutionally binding compact on Congress, and because the voters in Puerto Rico were required to consent to or reject said authorization.

The Federal Relations Act remained unchanged, maintaining Puerto Rico as an unincorporated territory under the Territorial Clause of the United States Constitution and the full sovereignty of Congress.

It was under the clear understanding that the Commonwealth, E.L.A., as defined by the constitution drafted by the convention, was to be a transitory status that kept the way open for Puerto

Rico to achieve statehood, or independence, at a future date, if the people so decided, that we gave our vote, as recorded in the minutes of the convention, and as confirmed by Luis Muñoz Marin, chairman of the Popular Democratic party delegation, in its own words, in the proceedings.

This was the position assumed by the P.P.D., when Luis Muñoz Marin was authorized to find new ways to achieve either statehood or independence, the accepted final status solutions.

He was not authorized to create a new status when he was commissioned to ask Congress for the authority to draft a local Constitution under Law 600.

In fact, Dr. Antonio Fernós, who chaired our Constitutional Convention, and served as Resident Commissioner, acknowledged before Congressional committees that Puerto Rico's relation to the United States had not been altered, and that in fact the sovereign powers acquired by the United States over Puerto Rico in accordance with the Treaty of Paris, remained unaltered.

To our surprise, shortly after the Commonwealth Constitution was approved by Congress, and taking advantage of the phrase "in the nature of a compact" out of context to mislead the people of Puerto Rico, the pro-Commonwealth leaders asked for further modifications which would establish Commonwealth as a final status by subscribing the Aspinal bill in 1957.

But the bill was rejected by Congress, because it closed the door to real alternatives of self determination.

Subsequently, they filed the Fernós-Murray bill in 1959, with the same intentions, but we fought it out, and it was defeated.

In 1962, they attempted to obtain the same objective by asking President Kennedy for a letter to clarify the concept of "permanent union of Commonwealth," which failed again.

When all attempts failed to amend Law 600, through all these devious ways to establish Commonwealth as a permanent status, trying to commit Congress through a "fait accompli" strategy, it was then decided to ask for the appointment of the United States-Puerto Rico Status Commission, in 1964, to try to arrive at the final definition of the Commonwealth status.

The pro-Commonwealthers had been trying to deceive the people of Puerto Rico, claiming advantages for the Commonwealth status that we knew were clearly unconstitutional, and of which Congress was never made aware.

These are the advantages of Commonwealth that they offered in the recent plebiscite of 1993. And I am speaking as a personal participant.

At the same time they maintained that statehood was not attainable, and that it would be economically disastrous for Puerto Rico.

I was appointed member of the Status Commission, on behalf of the statehood position, and argued against these misleading statements.

I further requested on several occasions that the pro-Commonwealth delegation spell out what they understood by "Culminated Commonwealth," but was unable to obtain any clarifying answer.

Every time they insinuated that the Commonwealth status was outside the Territorial Clause of the Constitution, Senator Jackson

and Senator Javits, as others did before and would do after, would rebuke them.

Finally, the Status Commission Report came out with the following conclusion, amongst others, and I quote:

"Economic studies indicate that sustained economic growth, under the present status and continuation of the special arrangements, will make statehood with adequate but not extraordinary or unprecedented provisions for transition fully possible without severe risks."

And further, "With respect to the nature of the compact agreed upon under Law 600, the Supreme Court of the United States is the final interpreter, and has not expressed itself, as yet, on these matters." That is a quote from the report.

This was in 1966.

Since then it has expressed itself in several instances, in particular in 1980, in the case of *Harris v. Rosario*, in which it ruled that Congress had the authority to discriminate against the United States citizens of Puerto Rico, since Puerto Rico was held under the Territorial Clause of the Constitution.

It is significant that this case was brought to the court by one of the members of the United States-Puerto Rico Status Commission, Patricia Robert Harris.

The growth of the statehood party has been overwhelming since 1968. And by the way, the present Resident Commissioner Romero Bareclo was present with me in the Status Commission during this discussion. He will remember these things.

And going ahead. The growth of the statehood forces has been overwhelming since 1968.

In 1964, the Pro-Commonwealth party had 487,280 votes, or 59.4 percent of the vote, and the Pro-statehood party had 284,627, or 34.6 percent.

In the last election of 1992, the statehood party had 49.33 percent of the vote, and the Pro-Commonwealth had dropped down to 45.34 percent.

The Pro-Commonwealth party in Puerto Rich has been misleading the electorate in Puerto Rico by advocating a right to self determination that is based on the principle that Congress is under obligation to grant whatever the people of Puerto Rico demand, whether they are privileges or advantages that Congress cannot grand because of Constitutional constraints, such as permanent union, irrevocable U.S. citizenship, tax exemption, Federal advantages in appropriations, transfer of power to control immigration, and so on.

On the basis of these misleading advantages, which they incorporated into their ballot in the last plebiscite, they have gained votes of those who were not properly informed. For the Commonwealth leaders, Congress does not have any right to exert its own self determination.

For this reason we endorse H.R. 3024, which establishes clearly that "Congress will continue to respect the principle of self determination in its exercise of Territorial Clause powers, but that authority must be exercised within the framework of the United States Constitution," so as to do away with all this wishful thinking of the leaders of the Popular Democratic party, and stop their misleading arguments.

Furthermore, we oppose the inclusion of any formula of final status that is not decolonizing as an alternative in the proposed plebiscite. And reject naming of any of the decolonizing alternatives under prefix E.L.A., which because of its use in describing a false decolonized status will be mislead the Puerto Rican voters.

Congress cannot——

[Applause.]

Mr. **FERRÉ**. Congress cannot be a party to a hoax in which United States citizens of Puerto Rico will be offered the same colonial alternative under the Territorial Clause of the Constitution as a sovereign decolonizing solution.

And I think, of course, that the history of Puerto Rico has shown that we have social forces bringing Puerto Rico to this decision.

There are two million and a half Puerto Ricans now living in the United States. We feel that Puerto Rico is ripe to become a state after almost a hundred years of apprenticeship, and to assume its political rights and responsibilities.

During all this century more than 200,000 Puerto Ricans have served with distinction in all the wars that the United States has been involved, and in several cases with higher casualties than some states.

More than 2,000 Puerto Rican soldiers served in the recent Gulf War, amongst whom was a grandson of mine in the Armored Division, the 1st Armored Division.

Several, such as Fernando Luis Garcia, who gave their lives, heroically, and have been awarded the Congressional Medal of Honor.

Amongst other distinguished leaders are Admiral Horacio Rivero, in 1968, Commander in Chief of NATO Forces in Southern Europe, and later Ambassador to Spain. And Admiral Diego Hernandez, who was in command of the Mediterranean Fleet; Major General Pedro del Valle, commanded the U.S. Marine Corps., First Division in the Pacific; General William A. Navas, Jr., who is Deputy in Command of the National Guard.

Dr. Antonia Novello served as U.S. Surgeon General; and Dr. Enrique Mendez, Jr., as Deputy Surgeon General of the United States.

Puerto Rico is participating successfully, and with distinction, in Mainstream America to enrich its economy and its culture.

There are about 2,000,000 Puerto Ricans living throughout the nation, doing constructive and creative work as factory workers, and as professionals, in all fields of activity. Thousands of physicians and engineers, thousands of teachers and professors in schools and universities.

In the arts and humanities, our rhythms and melodies have contributed to enrich American music. Our great actors, like Jose Ferrer and Raul Julia, have been American favorites. Justino Diaz and Pablo Rivera have been great voices of the Metropolitan Opera.

In the area of civil government, amongst many others, Judge Juan Torruella, Chief Justice of the U.S. First Circuit Court of Appeals; Judge Jose Cabranes is a member of the U.S. Second Court of Appeals; and Maurice Ferré has served as Mayor of Miami.

In the area of sports, we have contributed with many baseball players, amongst them Roberto Clemente who has been included in the Hall of Fame. Charles Passarell was the number one tennis

player in the United States in 1969, and now, Gigi Fernandez, a tennis champion, as well as Chi Chi Rodriguez, a golf professional.

And last but not least, to show how much Puerto Rico is imbedded in American life, it was the Puerto Rican judge of the Southern District of New York, Sonia Sotomayor, who as a fearless jurist decided a few months ago to issue an injunction that could break the deadlock in the baseball strike and, by doing so, sent the baseball players back to give Americans, after more than a year, the enjoyment of their favorite sport.

Nobody could be part of America more than this fearless and competent jurist of 40 years of age. She was the true image of the freedom and respect of law America stands for.

Mr. Chairman, I think the time has come for Congress to live up to the commitment of equality under which we were brought into its fold. It is time to do justice to more than 3.7 million disenfranchised American citizens of Puerto Rico.

We congratulate you for taking the proper step with H.R. 3024 to comply with your moral duty as it becomes the United States Congress and our fellow citizens of the United States.

Thank you very much.

Mr. YOUNG. Thank you very much, Governor.

Mr. FERRÉ. Thank you.

[Applause.]

Mr. YOUNG. You are an inspiration to the Puerto Rican people, and the Congressman who stand at this table.

Mr. FERRE. Thank you, sir.

[Applause.]

Mr. YOUNG. If I can do as well as you're doing when I reach those golden years, I'll be extremely pleased. And I notice with great interest you read your statement without any glasses.

Mr. FERRÉ. Yes, I forgot them.

Mr. YOUNG. I loved it. He forgot it, but he has them.

But anyway, Governor, as an example of where I'm coming from, this battle is a battle between the Puerto Rican people, but we play a role in the United States Congress, and have to be part of the solution.

And that's really what these hearings are all about.

I also noticed the contribution the Puerto Rican people made, you mentioned in your statement, but one of those that got my attention the most, of course, is Chi Chi Rodriguez. I'm one that loves to pursue that little white ball around, and I can't hit it worth a darn, but I sure respect his capability.

Mr. FERRÉ. [Laughs.]

Mr. YOUNG. The history of it is very clear. And I'm glad that you bring the institutional memory of what was decided in the years and the steps, and what was the Commonwealth definition, and what it was meant to be at the time of identification.

And I think a lot of people have lost sight of that. It was an interim definition, prior to another standard. And as we go through these discussions I hope everybody keeps that in consideration.

Mr. Romero-Barceló?

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

I just want to congratulate you once again, Governor Ferré for your excellent statement.

Mr. FERRÉ. Thank you.

Mr. ROMERO-BARCELÓ. And I just want to ask this one question because you've been through this process for so many years, and you know more than anybody else from first hand.

Governor, what has been the experience—every time they have tried to get what they call enhancement or improvement for the Commonwealth, what has been the result?

Mr. FERRÉ. They try to make Congress do things which are contrary to the constitution, and they can't do it.

Mr. ROMERO-BARCELÓ. So we're not going anywhere—

Mr. FERRÉ. We haven't gone anywhere.

Mr. ROMERO-BARCELÓ. Thank you, thank you, Governor.

Mr. YOUNG. The gentleman from Indiana.

Mr. BURTON. First of all. . .

Mr. FERRÉ. Yes, Congressman Burton.

Mr. BURTON. Governor, if I should live to be 92, and be as healthy as you, I hope I can get rid of my glasses as well. They're a big burden to me.

This is one of the best statements that I've read. And I want to commend you.

Mr. FERRÉ. Thank you.

Mr. BURTON. It's very well thought out.

There's one part of your statement on page 7 that I hope the media will pick up, and it's the last paragraph on page 7. I'd like to read it.

And I don't mean to take positions in the electoral process down here, but I think this is a very salient point that needs to be made.

It says, "The Pro-Commonwealth party in Puerto Rico has been misleading the electorate in Puerto Rico by advocating a right to self determination that is based on the principle that Congress is under obligation to grant whatever the people of Puerto Rico demand, whether they are privileges or advantages, that Congress cannot grant because of constitutional constraints. Such as permanent union, irrevocable U.S. citizenship, tax exemption, Federal advantages in appropriations, transfer of power to control immigration, etcetera."

You're absolutely correct, and that's the point we've been trying to make all day long, that the plebiscite that was held in 1993 did not clearly delineate those issues.

And that's why we sent this letter down in answer to the legislative request to clarify those issues so that in 1998, if the Young bill passes, and becomes law, that there will be a very clear definition of Commonwealth should Mr. Young choose to put that in the bill.

And I think that your comments there are right on the money, and I appreciate very much your intellectual attitude.

Mr. FERRÉ. Thank you, sir. I agree with you because we've had too much of semantic playing. The Commonwealthers have been just playing with words. But they haven't gone down to facts. And the people of Puerto Rico are completely lost. And I think it's time Congress says, no. This is as far as we can go, and no more.

Mr. BURTON. Thank you, Governor.

Mr. YOUNG. The gentleman from Wisconsin, Mr. Roth.

Mr. FERRÉ. Yes, Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman.

Governor, I want to associate myself with the comments of my colleagues in the panel here today in complimenting you on your excellent statement.

You have a real historic sense as to, you know, these issues.

I wonder, is there some way that we could take a very serious issue like Commonwealth, statehood, independence, is there a way we could debate this out of election time? It seems it comes up in elections, and becomes part of an election.

Is there any where that you can see that this could be debated—

Mr. FERRÉ. No.

Mr. ROTH.—away from an election?

Mr. FERRÉ. I think the only way you can do it is by a plebiscite, a referendum. And that is why the Young bill is such a perfect occasion. In 1967 when I really defeated the Commonwealthers, even though I lost the referendum, because up to that time they had held the power in Puerto Rico for almost 30 years, complete power. But I broke that in 1967 with the elections of 1968.

I wasn't able to change that. Because they kept on talking about Commonwealth, doing things that they couldn't do.

Now I think that the only way you can stop that is by having a referendum in which you can define what are the alternatives that clearly are obtainable.

It was an error, I think, for the government of Puerto Rico to approve a plebiscite in 1993 that gave every party the chance to define—it was wishful thinking, it was not a plebiscite.

I would like to be in heaven. Well, you can't be in heaven; that's all there is to it.

But if we have a plebiscite in which Congress has the responsibility—by the Treaty of Paris you are responsible for us. Now you tell us, you can have this, or you can have that. And then we make a decision on the basis of really obtainable solutions.

Mr. ROTH. Thank you very much, Governor. Thank you, Mr. Chairman.

Mr. YOUNG. Thank you, Governor. I appreciate your testimony, and have a good day.

Mr. FERRÉ. Thank you.

[Applause.]

Mr. YOUNG. I was thanking the staff. I was just wondering how we were going to get three people over there in one chair. That would have been an exciting moment in this hearing.

At this time I'd like to call Dr. Myriam Ramirez de Ferrer, president of the Puerto Ricans of Civic Action; Mr. Juan Garcia; Mr. Luis Vega Ramos. Please.

I want to thank, not only the audience, but also the panel or panels for being so patient. This process which we go through called democracy is sometimes very cumbersome, and very slow. But I believe it's the appropriate way to do it. And, as you've noticed, I've been very lenient with the gavel when it comes to time, because this is a very important issue.

I would like to say I'm going to be just as lenient with this group, but bear in mind it's getting late in hour, so we will be as convenient as I can for you.

And, Doctor, you're up first.

Ms. RAMIREZ DE FERRER. Thank you, Mr. Young.

And I would like to start my statement by asking that my testimony be included for the record, my written testimony.

Mr. YOUNG. Without objection, so ordered.

Ms. RAMIREZ DE FERRER. OK. I welcome you to Puerto Rico.

Mr. YOUNG. It's great to be here.

Ms. RAMIREZ DE FERRER. You have no idea what a pleasure it is to see you here. Our group has worked for this for many years, and every time we see Congress interested in solving our issues, it gives us hope, you know, for the future, and gives a lot of strength to continue.

First thing, you might have noticed a lot of enthusiasm in the people. This shows that the people of Puerto Rico want to solve this.

You also might have noticed that it looks like we're divided. But actually it is because when this issue is brought into the political parties itself, elections, candidates, it becomes almost like a basketball team against each other. But it really is not what the people out there in Puerto Rico, in the majority feel.

And, you know, the worst thing of it is that even if you sound confused by some of the different arguments that have been brought here, particularly from the Commonwealth representative, can you imagine what it's like out there, every day? We've living this thing every day; debates; media; analysis.

I mean, we are subject to this every day of our lives, and have been working on this very, very, very strongly since 1984/85 when we delivered 350,000 petitions.

My organization sends people from both sides.

I don't think people are that confused. And I, you know, apologize for some of my fellow citizens here, who are nice people, and they come here and speak in Spanish to you. I think they forget what a hearing is; you're hearing us. They're talking for people out there to hear them. And that's what they do every day of our lives. Talk to these people out there; argument.

And you give us the opportunity to hear us. They both speak wonderful English. One of them is a lieutenant colonel in the reserves. The other fellow?—I think he even studied in the States. He speaks good English. Their children go to school in schools that speak English, you know, that teach English.

So I apologize for having them, for having to use the little things. Because they could understand what you were asking, but they would answer in Spanish.

So mean it was really a waste of time.

Keep that bill the way it is. Don't touch it. You don't have to touch it. As a matter of fact, you know, everybody knows that we only have two ways to go: either we become closer to you, under the U.S. Constitution that so many of us feel so proud about, and support so strongly; or we move the other way, to become a separate country.

There's no, there's no middle of the road to that.

If we can't make up our minds, you have a lot of provisions in the bill for us to stay just the way we are.

And I have a little comment for Mr. Roth, and I'm pleased to see you again. We saw each other a couple of weeks ago out there in Congress.

I'm sure your constituents back home, even though you're not running for office again, would love to vote for United States citizenship, permanent union with the United States, they would love to vote for not taxes. You know, to have a tax gimmick like 936.

Congress has already answered to that. They've given a sweat to 936. But even worse than that, since you agree that Commonwealth is such a good option, you know, we really need \$500 million for Medicaid. Perhaps you can start moving the, you know, the thing up there so we can get that money without paying taxes, because we really need that money.

The third thing I want to mention is the citizenship issue. The citizenship issue has become, you know, a little funny thing happening down here. Well, we revised, you know, all our documents, and we saw, in the Jones Act—and by the way, as you see my testimony—you will be able to notice that we've put together documents way back from the Treaty of Paris, that sort of defines what Commonwealth is or has been since this whole discussion began.

And we were particularly interested to see in the Jones Act—the Jones Act mentions the fact that this citizenship that we're getting, by a legitimate action of Congress, is a citizenship that cannot be awarded to anybody from Puerto Rico who is already a citizen from another country.

So if you were to give dual citizenship, or whatever somebody wants down here, I think you would have to repeal the Jones Act. Because the Jones Act that creates a different citizenship than that from the other States, that Jones Act doesn't allow you to give citizenship to anybody who is taking up another citizenship.

And then, why would anybody want to become an independent country, and yet continue to be a U.S. citizen? I mean, it's mind boggling. I just can't understand that.

Another question I want to ask: why are they fighting for U.S. citizenship? What comes with U.S. citizenship that they can't guarantee with Puerto Rico citizenship, or with Puerto Rico sovereignty? Could it be money? Are they looking for more money, you know? So that they can, you know, continue with the little game of Federal funding.

How is anybody governing Puerto Rico with 3.8 million U.S. citizens? Or are you planning to make two American citizen republics? One big one, with 50 States? Or one little one, with 3.8 U.S. citizens? How are you going to handle that?

I mean, how do we go and, you know, and work in the international community with a little, tiny country of U.S. citizens.

It's really absurd. You can't allow that to happen.

But I also wanted to say something. Don't be misled by those who say that you are abusing your power, or that you have come here to impose something on us. My God, everything that has been Commonwealth has been basically imposed.

We cannot respect an option that's a fraud to start with. If you take a look at our documents, I mean, do you know when Muñoz Marin sent a telegram to the president of the United States to call the U.N. we were something or the other, a couple of hours before

Eisenhower swore as president of the United States, have any of you been in the middle of an inaugural, presidential inaugural and see what goes on in the White House?

I have had the opportunity to do so, and nobody is there in charge really. You can do a lot of little things during that time, but we're stuck with those things.

The process was not done from the United States, it was right from here. The misleading was from here. And we're stuck with the problem that we are almost begging you to help us resolve.

Don't touch the bill. It's fine. We've got a lot of safety nets to keep what we have.

[Applause.]

Mr. YOUNG. Thank you, Doctor. I'm not going to say anything, but we appreciate your testimony.

I believe the next one is Juan Garcia? Yes.

I see four witnesses. Are there four witnesses up here? No. One? OK, Juan Garcia, you're up next. Esquire.

**STATEMENT OF JUAN M. GARCIA-PASSALACQUA,
PRESIDENTE, ANALISIS INCORPORADO**

Mr. GARCIA-PASSALACQUA. My name is Juan Manuel Garcia-Passalacqua. I am a political analyst for newsmedia in Puerto Rico and the United States, with 35 years experience in my profession.

I'm a professor of political history of Puerto Rico and the Caribbean at the Centro de Estudios Avancado de Puerto Rico del Caribe in San Juan.

I appear before you today strictly in my personal capacity in support of the bill under your consideration.

I appear also to specify one of the key concepts of the bill, the nature of the Free Associated State, in Spanish, Estado Libre Asociado de Puerto Rico.

As defined in it, Estado Libre Asociado de Puerto Rico was created in 1952/1953 by the administrations of the United States Presidents, Harry S. Truman and Dwight D. Eisenhower, together with Puerto Rican Governor Luis Muñoz Marin, for whom I worked as a special assistant during the years 1958 and 1962/1964.

I would address the political and juridical intent of said creation. Since Speaker of the House, Newt Gingrich, is a historian, I am sure he will be interested in the historical intent of Luis Muñoz Marin, speaking on behalf of Puerto Rico, in creating Estado Libre Asociado, that I must state at the outset is coincidental with a clear and precise definition included in the bill for the formula of free association.

A series of citations from official documents issued by the founder of Estado Libre Asociado, throughout his political life, will make this evident for the record of this hearing, and for history.

Since some of these documents are still classified, or in unpublished archives, if the Honorable Chairman or the members so require at the end, I'm willing and able to be sworn.

Let us examine the historical record of the alternative of free association for the people of Puerto Rico as defined by Luis Muñoz Marin.

In 1932 Luis Muñoz Marin forced the inclusion in the platform of his Liberal party of the demand for "the immediate recognition

of the sovereignty of Puerto Rico”, with a transition period as a “Commonwealth”, modeled on the Philippine Islands.

In 1934, Muñoz proposed, in an editorial in his newspaper written in English a choice between only two options: “statehood on one side, and independence or autonomy on the other”, as the question for the United States called to resolve in harmony with the people of Puerto Rico.

Sixty years later Chairman Young has listened to Luis Muñoz Marin.

In 1937, in a memorandum to the Secretary of Interior, Harold Ickes, Muñoz assured that under independence the United States could have all the naval and military facilities that it may require for its National defense.

In 1942, in his *Historia del Partido Popular Democratico* Muñoz again recognized only two tendencies: equality or difference. Equality he defined as annexationism or statehood, and difference he defined as autonomy, independence, free community, or *Estado Libre Asociado*, in those same words.

In 1944, in a Committee created by Washington to discuss the status issue, Muñoz demanded “sovereignty” for Puerto Rico, while Abe Fortas, then in the Interior Department, insisted sovereignty must remain in the hands of the United States.

In 1946, in three articles in the newspaper *El Mundo*, Muñoz proposed the creation of the associated people of Puerto Rico as a transitory measure until economic self-sufficiency is achieved, to then opt between statehood and independence.

In 1952, the Popular Democratic party adopted unanimously a platform for that year’s election proposed by Muñoz that reads, “obtain the development of the potentialities of the Commonwealth through readjustments in the Federal relations that will be achieved by a bilateral compact” between Puerto Rico and the United States.

At that moment, gentlemen—and this is the important part of my statement—Dwight D. Eisenhower became President of the United States, in the ticket of the Republican party.

Under his presidency, the United Nations began to consider the matter of *Estado Libre Asociado* created in 1952.

Luis Muñoz Marin believed a “compact” had been established. The Eisenhower administration believed otherwise. The State Department favored that the issue “be determined ultimately by the courts”, and that was the basis of the Eisenhower policy before the United Nations.

In the case decided during the consideration of the matter, the United States District Court for Puerto Rico decided that a compact existed, and was confirmed by the U.S. First Circuit Court in *Mora v. Mejias* in 1953.

However, after all these years, in *United States v. Sanchez*, 1992 Federal 2nd 40 11th Circuit, 1993, the most adequate legal interpretation to date has been that Puerto Rico remains a territory of the United States.

The cabinet of President Dwight D. Eisenhower met on November 20th and discussed the matter of Puerto Rico.

In a breakfast that morning, the President proposed to United Nations Ambassador Henry Cabot Lodge that, instead of going

with the statement by the Alternate Delegate, the Ambassador himself offer independence for Puerto Rico.

Ambassador Henry Cabot Lodge made the announcement in the United Nations on November 27, 1953, and it was a resounding success.

In 1953—and this is the crucial point here—in a handwritten response to the offer of independence from President Dwight D. Eisenhower, Governor Luis Muñoz Marin stated, “We must eliminate all functions that would not be exercised by an independent country and that are unnecessary to the concept of free association with common citizenship,” exactly the definition of free association that is included by Chairman Don Young in his bill.

In 1954, Muñoz repeated that definition, stating that the United States would abandon their sovereign rights over Puerto Rico, exercising from then on only the powers delegated by Puerto Rico.

On March 26, 1956, Ambassador of the United Nations, Henry Cabot Lodge wrote a letter to Chairman Adams, chief of staff in the White House, proposing that “Congress adopt a resolution offering independence to Puerto Rico.”

The documents of the exchange of letters—since my time is finished—are accompanying my memorandum. They include the classified, secret, and top secret documents that have the initials of Dwight D. Eisenhower here, on the top, right. It says “Secret D.E.” that’s Dwight D. Eisenhower.

And in that particular top secret memorandum, Eisenhower approved the following: page two of the top secret memorandum, it would also do no harm to hint at the almost certain honor which would attach itself to Governor Muñoz should he become the first president of Puerto Rico.

That was the intent of the Eisenhower administration. Because of that, gentlemen, I wholly support the definition of free association as contained in this bill.

[The prepared statement of Juan M. Garcia-Passalacqua may be found at the end of hearing.]

Mr. YOUNG. Thank you, sir. That was very good. I mean, I hope the rest of the members who follow this chronological, historical aspect of what is before Puerto Rico.

The next witness is Mr. Ramos, I believe.

STATEMENT OF LUIS VEGA-RAMOS, PRESIDENT, PROELA

Mr. VEGA-RAMOS. Mr. Vega-Ramos for the record.

So that the Chairman be clear, I am joined today by Raul Mariani, Esq., who is the vice president of PROELA which is an organization that for 20 years has advocated for the development of the current status within the context of our lateral association.

I will speak today to you in English so that you, our foreign visitors, understand me.

Today, we speak on behalf of the hundreds of thousands of Puerto Ricans who in 1993 voted in favor of the Estado Libre Asociado.

The U.S. acquired Puerto Rico as a war booty in 1898. Since Congress approved the last Puerto Rican status act in 1952, we have constantly struggled to attain a larger degree of self government, and full self determination.

In 1993 over 800,000 Puerto Ricans petitioned the United States to adopt—and I quote from the winning definition—“a bilateral compact that can only be amended by mutual consent.”

The people of Puerto Rico have pushed the envelope as far as we can. Now it is time for the United States to act rationally, fairly, and honestly to solve our mutual dilemma.

It is your duty to act now.

The U.S. has expressed its commitment to the most basic principles of democracy and self determination. Government should work by the consent of the governed.

We believe that the best response to the 1993 plebiscite would be to present to Puerto Rico a bilateral compact act.

Last October we urged you to do this. We do the same today.

However, you have chosen to call for a new plebiscite between that of assimilation, and I mean assimilation, and sovereignty.

Since this is truly a process of mutual determination, we are will to consider your proposal if, if you are willing to consider our amendments.

In any attempt to structure a plebiscite Congress has to follow two important principles: fair play and good will.

Fair play means that all three options are presented on the ballot on an equal footing.

Good will requires that all the status options have the same guarantees in terms of access to the ballot, and that they are immune to demagogic manipulations that adversely affect them.

If Congress acts with good will, and provides for fair play, you will have the support of everyone in Puerto Rico.

If you don't, you not only miss another chance to break the status impasse, but you will also make the situation worse.

H.R. 3024 does not need to discuss the legal nature of the current relationship. By adopting a position on that debate, one way or the other, you would alienate hundreds of thousands of Puerto Ricans.

This is totally unnecessary.

The House adopted unanimously in 1990 a plebiscite bill that did not dwell on this debate. Everyone here in Puerto Rico agrees that Congress has the authority to mandate a status plebiscite.

To ascertain whether it is in light of the Treaty of Paris, the territorial clause, or Section 9 of the Federal Relations Act is irrelevant and diverting.

Just legislate a plebiscite and let the scholars and analysts debate the issue.

Civic groups, such as PROELA must have the same rights that political parties to represent the various status options. We are as active on this issue as the political parties, as you well know from this hearing, so the law should grant us similar rights to the political parties.

We now direct our attention to how H.R. 3024's offer for a bilateral pact should be improved to comply with international law, U.S. constitutional law, and the aspirations of Puerto Rico as expressed in 1993.

First, the options of a free associated State, in Spanish, Estado Libre Asociado. And independence should be separated. Inter-

national law recognizes them as separate options, and so should the bill.

Not to do so would be against the principles of fair play and good will.

Second, the language concerning the U.S. citizenship of Puerto Ricans living on the island, under the bilateral compact, should be identical to the section by section analysis of Section 172 of the compacts included in the Compact of Free Association Act of 1985.

And that quote is in my written statement.

We also submit a legal paper of citizenship issues prepared by PROELA vice president, the gentleman at my right, Raul Mariani-Franco.

Regarding other aspects of the Estado Libre Asociado offer, we are filing a ballot text to be included in the law. We are ready to discuss that text in detail.

But let us be totally clear. Estado Libre Asociado has to be one of the options of the Puerto Rican people, but not as it is today. Instead, it must be included as it should be, sovereign, clearly outside the territorial clause powers, and associated to the United States by means of a bilateral compact.

Your willingness to include this legitimate option would be the clearest indicator of the seriousness of your offer.

The Congress is now considering H.R. 3024. The administration has expressed a clear position with regards to the inclusion of the 1993 plebiscite's winning option, and the guarantee of Puerto Ricans' U.S. citizenship.

We agree with the administration on both counts.

You should revise H.R. 3024 to accommodate the present views to remove unnecessary diversions and to provide for a fair and just process that commits Congress irrevocably to a resolve of the plebiscite.

If you are not willing to do so, in a plebiscite that includes as statehood offers, then bite the bullet. Say so, say so to the leaderships of the statehood party, say so to the Puerto Rican people, and be willing to remove statehood from the list of options.

For almost 100 years the Puerto Rican nation has waited for Congress to fill its obligation, and provide us with a process that ensures final disposition of the political status issue.

We have been ready for all these years. Now it is time to show that you in Congress, and in the United States, are ready too.

Las generaciones pasadas, presentes y futuras de Puertorriquenos esperan por ustedes. El pueblo de Puerto Rico hablo y continua hablando hoy. La bola Senoras del Congreso, esta en su cancha.

Muchas gracias.

[The prepared statement of Luis Vega-Ramos may be found at the end of hearing.]

Mr. YOUNG. I thank you, Luis, for your testimony.

Does anyone—Yes, go ahead. The gentleman from Hawaii.

Mr. ABERCROMBIE. Sr. Ramos—

Mr. VEGA-RAMOS. Mr. Vega would be the correct Spanish way of arranging names. It's that the first last name is the correct one. So I would be Mr. Vega.

Mr. ABERCROMBIE. I beg your pardon.

Mr. VEGA-RAMOS. No problem.

Mr. ABERCROMBIE. Sr. Vega, excuse me. What would you say then if Mr. Young submits the result of the plebiscite with the status definitions, as they were presented to the people of Puerto Rico in this plebiscite, to the Congress with the sense of the Congress' resolution to be voted up or down?

Mr. VEGA-RAMOS. That could be a way to go. But I think that would be unnecessarily diverting. There is a core element on that definition that is a bilateral compact that can only be amended by mutual consent.

We are asking, in our amendment, that if you are willing to offer a free association alternative, you incorporate the concept of Estado Libre Asociado into that alternative, and separate it from the option of independence.

If you would do so, and would do it in a fair process that guarantees equal access to all the options in the ballot, I would think that would be a fair response to the 93' plebiscite.

Mr. ABERCROMBIE. But that's not the question I asked. I asked a very simple question.

You cite this plebiscite, the plebiscite came out with 48 point something, 46 point something. The claim by the Commonwealth people is that this constitutes the will of the people. Therefore, it could be put forward to the Congress. By resolution by Mr. Young, very simply a sense of the Congress resolution as to whether we accept it or not in the Congress.

Mr. VEGA-RAMOS. I was very clear on my oral statement that I thought that the correct way to answer to the plebiscite results was to file a bilateral compact act.

However, you have chosen a different path.

Mr. ABERCROMBIE. That's right.

Mr. VEGA-RAMOS. I would love to see a bilateral compact act come before Congress and be considered.

Mr. ABERCROMBIE. I'm trying to explain something—

Mr. VEGA-RAMOS. Go ahead.

Mr. ABERCROMBIE.—in my question.

What you think, and we should do, and what we're going to do may be two different things.

Mr. VEGA-RAMOS. I grant you that.

Mr. ABERCROMBIE. Now, in terms of the Commonwealth, believe me, I've been through this before, you don't have anything to say about it.

I'm asking you, if the argument is—and I came down with no preconceptions, but I'm learning a lot at this hearing, I'll tell you—if the argument is that the vote taken previously in the plebiscite is the will of the people, then should we or should we not submit that to the Congress for its approval or disapproval?

Mr. VEGA-RAMOS. The thing I think it should be done is that Congress should structure a response, and then vote on whether it—

Mr. ABERCROMBIE. You can't have it both ways.

Mr. VEGA-RAMOS. No.

Mr. ABERCROMBIE. On the one hand I'm being told that I have to accept the results of this plebiscite. And now you're telling me I should restructure the results of the plebiscite.

Mr. VEGA-RAMOS. And the results of this plebiscite was to legislate a bilateral compact for Puerto Rico. And you can do that outside the territorial—

Mr. ABERCROMBIE. That's not what it says in this definition.

Because I can tell you right now, I believe if we submit this—and I'm becoming more and more to this conclusion—if we just submit this as a sense of the Congress resolution, and vote on it, I'll bet the vote is 435 to nothing.

Mr. VEGA-RAMOS. Yes.

Mr. ABERCROMBIE. And then you're going to have to start all over again anyway. But maybe that's the cleanest way to do it.

Because if the end result of this hearing is an endless debate over what the results of the plebiscite was previously, then it seems to me that we need to take then what was on the plebiscite, what people understood to be the status definitions, and submit it to the Congress.

Because Mr. Burton, Mr. Young, and the others, Mr. Gallegly and Mr. Gilman have stated correctly—and I believe the quotation comes in Senator Berrios' statement, I believe he quotes the letter—it indicates very clearly that Congress defines the nature of the relationship.

And so if this is, if this is the position of the people of Puerto Rico at the time the plebiscite was taken, then it seems to me that we should put it before the Congress and see whether it's acceptable.

My guess is that it will not be. That's why I'm bringing it to your attention. That doesn't please me, and it's not something forward to, believe me.

But—So I'm asking the question as to whether or not this would at least clear the decks for another attempt at trying to discern what should be done.

Mr. VEGA-RAMOS. Can I clear an aspect of what you've been arguing?

Mr. ABERCROMBIE. Yes, of course.

Mr. VEGA-RAMOS. I believe that the people of Puerto Rico voted in 1993, and it was the definition adopted in 1990, that the Commonwealth had to be developed outside the territorial clause, and let me explain this to you.

This international law is free association. We recognize that in Congressman's Young bill there is an offer for free association. We think it has to be clarified and it has to be worked on so that it reflects the proper parameters of the free association, in terms of international law, U.S. constitutional law, and the aspirations of Puerto Rico for a bilateral relationship.

Mr. ABERCROMBIE. OK.

Mr. VEGA-RAMOS. If you want to go that way, then work within the bill, show good faith, and have an option that can be defended here.

But I think that the offer of association, as presented right now, needs to be worked, and that's we are suggesting amendments the way that we did. It's up to you.

Mr. ABERCROMBIE. I appreciate that.

Mr. VEGA-RAMOS. It's up to you to decide—

Mr. ABERCROMBIE. Thank you very much.

Mr. VEGA-RAMOS.—if you are willing to structure the process that way or not.

Mr. ABERCROMBIE. Thank you.

Mr. YOUNG. I thank the gentleman from Hawaii. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Real briefly. The bottom line is what we covered before, and that is the Congress of the United States, from a fiscal standpoint, is going to start making cuts in spending.

The 936 program, I think, is in peril. It think it is going to be reduced and phased out over a period of seven years.

I think the welfare benefits and other benefits that are received by Puerto Rican citizens, for which, much of which they're not taxed, are going to be reduced as time goes by as well.

And benefits without taxation, I think, is going to be gradually phased out.

I think this will provide a hardship on Puerto Rico unless they have some kind of really, truly elected representation in Congress. And the thing I'd like to get across today is, if you had two United States senators, one senator can tie up the Senate, if you've ever watched the U.S. Senate.

If you had two elected senators, and six or seven congressmen, you would have a real voice in explaining to the people of the mainland, and the rest of the United States, the needs of Puerto Rico, and why certain things should be done.

As it is right now you have one delegate who really doesn't even get to vote on the floor.

And these programs as they are phased out, and they will be phased out many of them because of fiscal constraints in the Congress, when these programs are phased out, I think it will prove a hardship for Puerto Rico.

So it seems to me if logic dictates that the best course of action, at least from my perspective, and I'm not getting into the internal politics of the island, it seems to me that logic would dictate at some point that statehood would be the logical alternative, because you would have elected representation that would lead to a real fulfillment of the dreams and aspirations of the Puerto Rican people.

Mr. YOUNG. I thank the gentleman. The gentleman from Guam, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

I would like to ask Mr. Garcia a question.

A lot of—there's been a great deal of discussion about the nature of the Commonwealth, and its removal, the removal of Puerto Rico from the list of non-self-governing territories at the United Nations.

And the legislation being proposed has a very unique dimension in it in that it recognizes the U.N. definitions of what constitutes ultimately the fulfillment of self determination.

The creation of the Commonwealth actually occurred in the early fifties, and predated the definition that is made by the United Nations, which came in the succeeding decade.

The question I have for you is if in fact it is your belief—and I assume it is—that Puerto Rico is non-self-governing, and that the Commonwealth arrangement is not a self governing form of government or relationship with the United States, would you seek to be

placed back on the list of non-self-governing territories? And why, or why not?

Mr. GARCIA-PASSALACQUA. Well, I think it's very clear that Puerto Rico is not self governing. And I think it's very clear that Puerto Rico is a colony of the United States. And I think it's very clear also that the intention of the United States when it appeared before the United Nations was to let the judiciary decide a point in which there was very strong disagreement between Secretary of State Dean Acheson, and Governor of Puerto Rico, Luis Muñoz Marin.

Governor Luis Muñoz Marin thought that he had established a bilateral compact of free association with the United States. The Secretary of State, Dean Acheson said, no, this is not what happened. They settled their disagreement by saying we will abide by what the courts say.

On that issue, Congressman, I am offering to the staff of this committee, and I leave it with you, 65 secret documents of the United States Government that I am filing as part of my testimony, so that you can see all these letters between State and Justice and Muñoz and everybody else, so that you will be—if the chairman agrees—that you will be, I'm sorry to say, educated on the question.

Mr. BURTON. Yeah, but in order to validate your point wouldn't it make sense to—

Mr. GARCIA-PASSALACQUA. Could I have a ruling from the chair, first?

Mr. YOUNG. Yes, you may submit it for the record, absolutely.

Mr. GARCIA-PASSALACQUA. Thank you very much.

Mr. BURTON. But in order to validate your point wouldn't it make sense to seek restoring the status of Puerto Rico as a non-self-governing territory, given that the fact that you endorsed the United Nations' definitions of what constitutes self determination, and that none of those have been met?

Mr. GARCIA-PASSALACQUA. The question is if the United States of America should notify the United Nations that it is not in agreement with the resolution adopted in 52', that the United States has changed its mind?

I think it's perfectly feasible for the United States to apologize to the United Nations and say, we had a disagreement then, we didn't bring it into the open, the documents are here, they have been declassified. Now we can explain to you what happened.

Governor Luis Muñoz Marin, and President Dwight D. Eisenhower had to different theories, and we opted not to bring that difference open to the United Nations.

Therefore, for that reason, we are hereby apologizing to the United Nations, and asking that Puerto Rico be installed in the list of colonies again. No problem.

Mr. BURTON. OK.

Mr. YOUNG. Dr. Ramirez, do you want to comment, please?

Ms. RAMIREZ DE FERRER. Yes, I do.

I don't think they have to clarify anything. Our documents—because we have our own little share of documents as well—and our documents say that the United States definitely told the U.N. that we continue to be an unincorporated territory.

So we don't need to do anything. That was—and that's going to be included in my testimony, and you have it right here. Foreign relations with the United States, years 1952 to 54'. And it says very, very, very clearly that the people of Puerto Rico have attained a full measure of self government consistent with Puerto Rico's status as a territory of the United States.

So, what needs to be clarified?

The documents are clear. It's the interpretation and what has been done with them that has caused this confusion.

Mr. UNDERWOOD. Well, I think what needs to be clarified is we have a definition of what constitutes self determination that came years after the creation of the Commonwealth, and what is happening is that there is a great disjuncture here between how, whether people are maintaining that Puerto Rico is non-self-governing and it should be on the non-self-governing list, given the fact that this legislation proposes to accept that committee's definition of what constitutes self governing.

Mr. GARCIA-PASSALACQUA. Congressman, my written testimony proves unquestionably, with at least 15 official quotes, in official memorandums from Luis Muñoz Marin, that the option that he favored is the one defined by the United Nations in 1960.

He foresaw that. That's what he wanted. A sovereign free associated State of Puerto Rico with dual citizenship. So there is no problem. I mean, the intent of Luis Muñoz Marin is exactly what Resolution 1541 Roman 15 says, free association.

Mr. UNDERWOOD. But that isn't what he got. Is that what he got?

Mr. GARCIA-PASSALACQUA. That's not what he got because there was a difference between Dwight D. Eisenhower and Luis Muñoz Marin. That's the record.

Mr. UNDERWOOD. OK, thank you.

Mr. YOUNG. This is a learning process, believe me.

The gentleman from Wisconsin, Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman. I have no questions other than to say that I appreciate the testimony of our witnesses today. I paid attention, and I appreciate the comments they made.

I would like to ask Dr. Myriam, however. She is pro-statehood, and I know she studied this issue of statehood in great detail, I'm sure.

Ms. RAMIREZ DE FERRER. Yes, I definitely have, Mr. Roth.

Mr. ROTH. Let me ask you this. There is another area in the United States that has applied for statehood, and that is the District of Columbia. Would you be in favor of statehood for the District of Columbia?

Ms. RAMIREZ DE FERRER. Well, no, I'm not, because I see that the constitution decided to take away some land from all the States, and make the District of Columbia, and I have heard that these States are very willing to receive that land back, and give them full representation in Congress.

It's not the same situation as Puerto Rico, sir.

Mr. ROTH. So you would not be in favor of statehood for the District of Columbia.

Ms. RAMIREZ DE FERRER. I would not be in favor of statehood for Washington, D.C.

Mr. ROTH. Thank you very much.

Ms. RAMIREZ DE FERRER. OK.

Mr. ROTH. One thing, Dr. Myriam, or Myriam, or Juan—I love your name, Garcia—

Mr. GARCIA-PASSALACQUA. Passalacqua. It's a Corsican name, Congressman.

Mr. ROTH. Passalacqua, Esquire.

Mr. GARCIA-PASSALACQUA. It's a tough one.

Mr. ROTH. I love it. I mean. . .

Mr. GARCIA-PASSALACQUA. Thank you very much.

Mr. YOUNG. If the questions aren't asked, don't take offense. I happen to think that all the testimony, especially the indepth history and the background is extremely important for the committee.

Again, I want to stress to the panel, and those remaining in the audience on the media, that this is a process that takes a considerable length of time. And every time we get some historical background, what was intended, where we're going, the one thing I want to stress again and again, I expect to get us off the dime.

We must do something. And I have not particularly decided what it would be, but we cannot have the status quo as we are being recognized and talk about other countries and democracy and the right to vote, and all the other good things right next door.

I do thank these witnesses, and I appreciate it very much.

The next panel, Panel Two. We have a senator, Antonio Fas-Alzamora, Roberto Buso-Aboy, and Herbert Brown III; three people.

Again, to the panel I apologize. Our audiences are dwindling quite rapidly. But it makes little difference because your testimony carries just as much weight as you give it orally.

And those that were unable to give it orally, their testimony will be sent in also as part of the record, and will be analyzed to the best of our ability to come to a sound solution.

Senator, in deference, you're up.

STATEMENT OF ANTONIO J. FAS ALZAMORA, ESQ.

Mr. FAS ALZAMORA. Good afternoon.

Mr. YOUNG. I like your pin, by the way. I had one the other day that looked similar to that. Go ahead.

Mr. FAS-ALZAMORA. Good afternoon, Mr. Chairman and Congressman. I am going to deliver my statement in Spanish.

Mr. YOUNG. Yes. Without objection, so ordered.

Mr. FAS-ALZAMORA. Good afternoon, Mr. Chairman and Congressmen. I am going to deliver my statement in Spanish.

Mr. YOUNG. If there is no objection. Approved.

Mr. FAS ALZAMORA. Señores Congresistas, soy legislador del Estado Libre Asociado de Puerto Rico desde hace veinte años y ocupo la posición de portavoz alterno del Partido Popular Democrático en el Senado.

Quiero dejar consignado en este distinguido foro mi firme oposición al proyecto del Congresista Don Young por entender que atenta contra la libre determinación de los puertorriqueños expresada en la consulta plesbicitaria del 1993 por ser un proyecto de estadidad.

Ese plesbicitico fue un proceso limpio, legitimado por el voto de uno punto siete millones de compatriotas que fieles a su tradición

de pueblo, amante de la democracia decidió continuar siendo un Estado Libre Asociado y rechazó categóricamente la estadidad y la independencia.

No hay nada más anti democrático y anti norteamericano que no respetar la voluntad mayoritaria de un pueblo. Pretender llevar a cabo otra consulta de estatus, irrespectivamente de las opciones incluidas en la papeleta electoral y de las definiciones de cada fórmula, es un golpe bajo a la democracia puertorriqueña.

Estados Unidos se vanagloria como cuna de la democracia y como salvaguarda de los procesos y las decisiones de los pueblos. Así lo ha hecho en los cinco continentes. ¿Por qué entonces no hace lo propio en Puerto Rico, por qué un grupo de congresistas norteamericanos insisten en validar un proceso democrático convocando a otro ejercicio electoral para satisfacer el interés revanchista del gobierno pro estadista de Puerto Rico?

Este último es como volver a poner en práctica la vieja filosofía del imperialismo. De aceptar un resultado electoral únicamente cuando le es favorable al gobierno y a sus aliados y desvalidarlo, anularlo o destruirlo cuando no le favorece.

El tratar de imponernos el proyecto en cuestión del distinguido Congresista Young es una actuación anti democrática de parte de quienes lo patrocinan. Estados Unidos como nación y el Congreso como institución respeta la democracia norteamericana. Debe también por tanto, respetar la democracia de la nación puertorriqueña.

Nuestra condición jurídica fue (ininteligible) desde el 1952. Fue el gobierno de ustedes en el 1953 por voz del propio Presidente Eisenhower que defendió ante el mundo a través del foro de las Naciones Unidas que Puerto Rico había alcanzado su gobierno propio bajo el Estado Libre Asociado.

Le pregunto, ¿le consta a ustedes que ha cambiado esas condiciones desde entonces para que concluyan como imperativo la necesidad de un cambio en nuestro sistema de gobernar la nación puertorriqueña?

Uno de los principales conceptos de la Constitución del Estado Libre Asociado que entra en vigor precisamente con la aprobación del Congreso de los Estados Unidos, establece que su poder político emana del pueblo y que será ejercido de conformidad con su voluntad.

Este proyecto Young pretende convertir en retórica hueca la legitimidad internacional que ha dado el propio gobierno de los Estados Unidos al Estado Libre Asociado, tanto en la declaración de las Naciones Unidas como en subsiguientes declaraciones ante la comunidad mundial.

Es un tremendo contrasentido el proyecto pues está opuesto a nuestra condición jurídica por considerarla inferior y colonial. Y busca cambiarla por otra, como la estadidad que representa la negación total de lo que hemos alcanzado los puertorriqueños como pueblo, como nación caribeña.

Recordemos que la estadidad es sinónimo de anexión, incorporación e integración. Sería sin duda alguna, diluir nuestra nación en la nación norteamericana y como resultado, nuestra desaparición como nación del mundo. Pues una vez asimilados como estados de la unión, no habría forma de dar marcha atrás

convirtiéndonos en colonia permanente de Estados Unidos y minoría en nuestra propia patria.

Esto que promueve el proyecto sí es inferioridad. Puerto Rico es una nación con su particular y común raza, historia, idioma español, literatura, cultura, territorio, valores y costumbres y tradiciones. Cualquier asunto entre el continente y la isla debe estar enmarcado en el contexto de que somos dos naciones distintas aunque asociadas mediante un pacto bilateral en la búsqueda de un propósito común.

Los puertorriqueños hemos contribuido durante los pasados noventa y ocho años al que ustedes puedan estar disfrutando del sueño americano. Ustedes por la forma en que comenzó nuestra relación hace ese mismo número de años, tienen la obligación legal y moral de contribuir a que sigamos desarrollando el sueño puertorriqueño expresado democráticamente por la mayoría de nuestro pueblo.

Atendiendo afirmativamente el resultado del plesbicio de 1993 y continuar desarrollando al Estado Libre Asociado al máximo de su autonomía compatible con nuestra relación permanente con Estados Unidos.

Así ambas naciones podrán seguir conviviendo con la misma dignidad, tal y como se acompañan en la actualidad en igualdad de condiciones nuestra bandera puertorriqueña y la bandera norteamericana.

Las pretensiones del proyecto Young de desnacionalizar a Puerto Rico a través de la estadidad es como lanzarle piedras a la luna. Ya el pueblo de Puerto Rico ha sido decidido en tres ocasiones cuando se ha enfrentado a la disyuntiva de dejar de ser lo que somos para convertirnos en otra cosa.

Por lo tanto, no insistan distinguidos Señores Congresistas, pues el verdadero y único poder digno para la mayoría de los puertorriqueños es aquel que nace y se forja de nuestras propias entrañas. Muchas gracias.

[The prepared statement of Antonio J. Fas Alzamora may be found at the end of hearing.]

Mr. YOUNG. Thank you, Senator. I don't know who is next in order. Let's go with Mr. Brown, let's start with Mr. Brown.

**STATEMENT OF HERBERT W. BROWN, III, CHAIRMAN,
CITIZENS EDUCATIONAL FOUNDATION**

Mr. BROWN. Mr. Chairman, I have a statement which I have submitted. I would like to have it incorporated as part of the record.

Mr. YOUNG. Without objection, we'll put your whole statement in the record.

Mr. BROWN. I also have a brief statement that I would like to read. I have additional copies I'd like also to have included in the record.

Mr. YOUNG. Proceed.

Mr. BROWN. Thank you.

Good afternoon, and welcome to Puerto Rico. My name is Herb Brown. I am a second generation Puerto Rican. My father was born here of American parents, and my mother, a Californian by birth, came to Puerto Rico to teach in the public school system, prior to the outbreak of World War II.

My U.S. citizenship then, like that of many of us here in Puerto Rico, will be subject to statutory change in the event Congress determines to change Puerto Rico's current status from an unincorporated territory to an independent Nation.

For that, and for many other reasons, I have led the Citizens Educational Foundation's efforts to permanently secure U.S. citizenship for Puerto Ricans through statehood, which will also erase our current status as second class citizens, a status that denies us representation in Congress and the presidential vote, and, at its most insidious, allows the United States Government to legally discriminate against American citizens residing here. A situation that will continue if we don't embrace the historic opportunity presented by H.R. 3024 to attain first class U.S. citizenship through statehood, or in the alternative, by choosing independence to replace it with Puerto Rican citizenship.

In connection with these thoughts, I want to make three points today that are pivotal to these hearings.

First, at the risk of respectfully disagreeing with you, I want to say that the 1993 plebiscite, far from being inconclusive, was definitive on at least one issue. That issue, which brings us together today, was that the present status quo must be changed.

Second, that regardless of what—

Mr. ABERCROMBIE. Mr. Chairman—Excuse me, Mr. Brown.

Mr. BROWN. Yes.

Mr. ABERCROMBIE. Mr. Chairman, is there a copy of this testimony that you're reading in our files? I can't find it.

Mr. BROWN. It's contained—this is a summary of my statement.

Mr. YOUNG. It's probably in your packet. I mean, we'll get it—Go ahead.

Mr. ROTH. He submitted his full statement for the record. We let him give an abbreviated version.

Mr. ABERCROMBIE. Go ahead, sir.

Mr. BROWN. Thank you.

Second, that regardless what some may say, Congress, through this proposed legislation, and the letter of February 29, 1996 to the leaders of the Puerto Rico Legislature, has addressed the results of the 1993 plebiscite and set in motion a process through which the Puerto Rican people can exercise their right to full self determination.

Third, that unless we take action, as outlined by this bill, to determine our destiny, then we will continue to run the risk that Congress, exercising its authority under the Constitution, will settle once and for all the status issue in a way that may further erode or end our rights as U.S. citizens and, most likely, create an independent Puerto Rico.

Contrary to what some may argue, Congress did, indeed, address the 1993 plebiscite results.

The response signed by the four chairmen of the committees and subcommittees responsible for Puerto Rico carefully analyzed the plebiscite results and the testimony given at hearings on the ballot on October 17th, 1996. The result was the bill now before us.

Showing a keen knowledge of history and constitutional law, you have correctly concluded that the winning formula, enhanced Commonwealth, was legally defective in that Congress was constitu-

tionally barred from implementing any of its provisions, including the guarantee of U.S. citizenship and permanent ties with the United States, provisions that can only be realized through statehood.

Having shown in 1993 that Commonwealth, or the status quo, is but an impermanent state of affairs, the people of Puerto Rico have the opportunity to determine the future status of the island, and its relationship, if any, with the United States.

Congress has it in its power, constitutionally, to determine our status and our citizenship. The territorial clause specifically confers these powers on Congress, and it is within its authority, even its duty, to exercise them.

We have it within our power to choose to retain our U.S. citizenship, and forever cement our ties to the United States, in whose defense of democracy we have made the supreme sacrifice since the First World War. This statehood offers.

We also have it within our power to choose to become an independent nation, and exchange our U.S. citizenship for a Puerto Rican citizenship. A painful decision, yet one in keeping with international norms.

Finally, we have it within our power to abdicate our responsibilities and cede control to those who profit from the status quo by killing this bill, or failing to choose one of the two paths to full self government this legislation offers.

These, then, are the choices available: statehood and U.S. citizenship, and the right to participate as equals in the American process; independence, and Puerto Rican Nationality and citizenship; the status quo, with its impermanence both as to political status and citizenship.

And, if we choose the latter, then those who have been singularly unsuccessful in extending, enhancing, culminating, and perfecting our status will have been successful only in transferring back to Congress Puerto Rico's future.

Are we finally open to the challenge that this bill hands us, or are we destined to allow political opportunism and short sighted economic interests to defeat our right to self government?

For one, I believe that we are up to task Congress has laid out for Puerto Rico. In this belief I ask all Puerto Ricans to support this legislation, and then join together and exercise our right to full self determination.

Thank you very much.

[The prepared statement of Herbert W. Brown III may be found at the end of hearing.]

Mr. YOUNG. Next is Mr. Roberto Buso Aboy of the Puerto Rican Bar Association. You're not a trial lawyer, are you?

Mr. BUSÓ-ABOY. I am.

Mr. YOUNG. Oh, boy. Go ahead.

[Laughter.]

Mr. YOUNG. I say that in jest, so don't take me too seriously.

STATEMENT OF ROBERTO BUSÓ ABOY, BAR ASSOCIATION OF PUERTO RICO

Mr. BUSÓ-ABOY. I answered in jest also.

Mr. Chairman and distinguished members, my name is Roberto Busó-Aboy—

Mr. YOUNG. Roberto, could you pull the mic a little closer so we can hear you clearly?

Mr. BUSÓ-ABOY. My name is Roberto Busó-Aboy, chairman of the Puerto Rico Bar Associations's Commission for the Study of the Constitutional Development of Puerto Rico.

With me in the audience is Attorney Angelita Rieckehoff, Executive Director of the Bar.

We appear before you in representation of the oldest professional institution in Puerto Rico, serving the country since 1840.

The Colegio de Abogados, as it is known in Spanish, is unified and a compulsory Bar, with 9,600 members who are representative of all the ideological currents in Puerto Rico.

The Bar Association has served as a forum for the multi partisan dialog on the legal and constitutional aspects of Puerto Rico's relationship with the United States.

It maintains a permanent and long standing commission for the Study of the Constitutional Development of Puerto Rico, composed of lawyers of all political persuasions, and we make sure that we do have lawyers of all political persuasions every time that we meet.

The Commission, the Governing Board and/or the General Assembly of the Bar have adopted important reports and resolutions on this issue.

I am submitting as an addendum to this statement that I am reading to you copies of some of those reports and pronouncements which are adopted by consensus, and unanimous vote, in the certainty that they will be very valuable to the study of the Congressional committee.

As a matter of fact, I understand that you have been supplied with a booklet which includes all the different resolutions since 1944.

In the past half century our institution has approved and issued more than 18 reports on this issue. I'm not going to read the names of them, because they are included in the booklet that has been supplied to all the members of the committee.

Our Bar Association has appeared repeatedly before the United Nations since 1972, where it has proclaimed the right of self determination of the people of Puerto Rico.

As we have said before, that forum, and we reiterate in this forum right now, it is not the role of our Bar Association to determine which of the formulas of self government recognized by the international community should be preferred by the people of Puerto Rico.

That decision rests with the people, and it should be followed once they vote on it through a free and democratic expression of their will.

We believe, notwithstanding, that it is the historic role of the Bar Association to assist in our people's constitutional process by pointing out those minimum requirements that must be met in any of the formulas that could be preferred by them.

For that reason, since 1963, we have pointed out the minimum substantive requirements essential to each of the three formulas to establish a political system of self government in our country.

After reiterating the requirement of sovereignty, and I make a point of sovereignty, necessary to all the status formulas, we have emphasized the minimum requirements that must exist in each of the formulas of association, integration into the United States, or outright independence.

We have also affirmed the minimum procedural requirements essential to achieve full decolonization. And, of course, that's what this is all about. And that's why we're here today.

The process of decolonization of Puerto Rico has been very slow and traumatic.

In 1953, more than 44 years ago, based upon the fact that our country had become a Commonwealth, and that such a development had allegedly ended the colonial regime, the United States was relieved from delivering the annual reports to the respective organism of the United Nations about its administration of Puerto Rico.

In spite of those commitments, after 44 years, there still exists the same restrictions to the freedoms of the people of Puerto Rico, as a consequence of our relationship with the United States.

Puerto Rico lacks sovereignty and control over its own affairs.

And as Mr. Brown so eloquently put it before, if anything the 1993 plebiscite shows that everyone in Puerto Rico, at least all the voters that went to the polls, want change, some type of change.

As the decisions of the United States Supreme Court, and the conduct of Congress attests, Puerto Rico is subject, for all practical purposes, to the quasi absolute power of the territorial clause of the United States Constitution which vests upon Congress, and to the anarchic and accidental constraints of Federal administrative agencies, which are not of Congress's doing, but they happen against us anyway.

It is imperative to renegotiate the relationship between the United States and Puerto Rico.

The Bar Association has urged the Legislative Assembly of Puerto Rico to consult voters, through a referendum, to determine if they wish a Constitutional Convention, that can actually bring forth a proposal for anew status, and to revise the terms of the existing relationship between Puerto Rico and the United States.

The Bar Association, looking at H.R. 3024, respectfully recommends the following to the committee.

First, it should reaffirm the inalienable right to self determination of the people of Puerto Rico. In the manner it is stated right now, we understand it is not sufficiently strong, and I really think that the committee believes in self determination for Puerto Rico, and we are asking that it be reaffirmed clearly, without any doubts as to our rights.

Second, reaffirm that for any form of free association between Puerto Rico and the United States to be acceptable, it must be attained in conditions of political equality and respecting international law, recognizing once again the sovereignty of the people of Puerto Rico.

I may draw your attention to one of the documents in the booklet that we gave you with was approved in 1977, and it's a statement for the process of decolonization, which includes what should be included specifically with regard to each one of the different formulas.

Fourth, we call for a decolonization process involving a transitional period that would guarantee the effective functioning of a constituent assembly.

I know there is a minimum 10-year requirement, and contrary to what Dr. Rossello said this morning, 4 years is certainly not quite enough.

I mean, if it were my own decision, I would have my new status right away. But we understand that politics and political processes do take time if they are going to be made conscientiously and correctly.

So the Bar Association calls for this proceeding to take place for a period long enough to have a functioning constituent assembly set up in Puerto Rico to try to build up the new status that will finally be adopted.

Fifth, we think that H.R. 3024 should be amended so that it adheres faithfully to the minimum substantive and procedural requirements which the Bar Association has suggested. As I told you, there are 18 of them specifically set out in the adjoining document.

We make these recommendations in our role as the traditional forum for the creative discussion by all political and ideological sectors in Puerto Rico, and I am sure that by this time today you realize that we are probably the only ones that have come forth with some sort of a consensus feeling of anything regarding the process of decolonization.

And we understand that that process should be acceptable to the international community, because whether we like it or not, Puerto Rico is still a colony, Puerto Rico should be and is subject to the United Nations charter, and the United States, as the main signatory and actual safe guarder of the United Nations should abide by it.

Actually everyone in Puerto Rico of the different political persuasions has gone to the United Nations, and that includes all the political persuasions on the Island.

We commend this committee of the Congress for initiating an effort to help solve the colonial problem of our country. We like that. I think it's late in coming, but it's here. I mean, maybe under the Treaty of Paris it should have been done 80 years ago. It wasn't. But it should start, and it should go forth from now on.

We strongly support and commend its initiative to open a dialog that will protect the interests of both the United States and Puerto Rico.

We are not a territory, except in legal terms, but we are a people, somos un pueblo, a people with our very own Hispanic and African culture, and that is the reality, the sociological reality of Puerto Rico, and that's the way we like it. We have our own Spanish language, traditions, and values. Among our values, we cherish our democratic tradition, and for the sake of the people, the people of Puerto Rico, the Bar Association of Puerto Rico invites this committee to carefully consider the reports we are hereby submitting.

Most particularly, we ask that you study the substantive requirements that our multi partisan membership has established for our Nation's self determination.

We invite you to amend the current bill so as to clarify the terms under which the Congress of the United States is willing to initiate negotiations with the people of Puerto Rico on their political future.

In the event that the final version of the bill is congruent with the traditional, long standing position of the Bar Association on this issue, we will support it.

On the contrary, if the final version does not comply with the so stated minimum requirements, the Bar Association will reject the process.

In the hope that everything will work out for the better future of both Puerto Rico and the United States, and with our sincerest offer of cooperation in your endeavor, we thank you.

[The prepared statement of Roberto Busó-Aboy may be found at the end of hearing.]

Mr. YOUNG. Thank you, sir.

The gentleman from Puerto Rico, Romero, do you have any questions?

Mr. ROMERO-BARCELÓ. No, I have no questions.

Mr. YOUNG. No questions. The gentleman from Hawaii?

Mr. ABERCROMBIE. Yes.

Mr. Fas, I'm a little bit at a loss to understand the rationale of your statement. If I did not know—you favor the Commonwealth, correct?

Mr. FAS-ALZAMORA. Si, señor.

Mr. ABERCROMBIE. Commonwealth status.

Mr. FAS-ALZAMORA. Si, señor.

Mr. ABERCROMBIE. But if I didn't know that, and I was looking at your testimony, it would seem to me you are favoring independence.

Mr. FAS-ALZAMORA. No.

Mr. ABERCROMBIE. No?

Mr. FAS-ALZAMORA. No, lo digo claro en mi testimonio, Señor Congresista. Lo que sucede es que la estadidad en mi concepto disminuiría, por ser una condición de anexión, disminuiría nuestra nación. Por eso parto de la primer pregunta que hay que hacerse. ¿Qué es Estados Unidos y qué es Puerto Rico?

Los dos somos dos naciones, Puerto Rico fue una nación colonia de España, luego con la guerra Hispanoamericana pasamos a ser colonia de Estados Unidos en el 1898. Conforme a nuestra teoría, la teoría de ustedes que esbozaron ante las Naciones Unidas en el '52, dejamos de ser colonia y nos convertimos en un Estado Libre Asociado.

La estadidad para mi no es una opción digna para Puerto Rico, con el respeto de los compañeros que la puedan respetar, ¿por qué? porque al ser . . . , la estadidad, para mi no es una solución digna al problema de estatus para los puertorriqueños porque conlleva . . .

Mr. ABERCROMBIE. No, I didn't. . . excuse me. . . excuse me. I didn't say statehood, I said independence. . .

Mr. FAS-ALZAMORA. Por eso le digo. . .

Mr. ABERCROMBIE. You state. . .

Mr. FAS-ALZAMORA. O sea, si me explico . . .

Mr. ABERCROMBIE. You state, for example, that the United States is a nation with its own history, language, literature, territory, values and traditions. Puerto Rico is exactly the same, a nation with it's own particular characteristics. Doesn't that mean that—wouldn't I conclude from that that you wish Puerto Rico to be independent?

Mr. FAS-ALZAMORA. No, no. Yo me explicaba que cualquier solución al estatus de Puerto Rico tiene que partir de la premisa, qué es Puerto Rico y qué es Estados Unidos. Puerto Rico es una nación distinta a la nación de Estados Unidos.

La diferencia es que estamos dos naciones unidas en un pacto bilateral desde del 1952 tal y como ustedes mismos lo han dicho ante las Naciones Unidas consecuentemente a la comunidad internacional.

Mr. ABERCROMBIE. Alright.

Mr. FAS-ALZAMORA. Yo no respaldo la independencia, no respaldo la estadidad. Creo que las únicas dos opciones dignas que hay, es . . .

Mr. ABERCROMBIE. I accept that.

Mr. FAS-ALZAMORA. r. . el desarrollo del Estado Libre Asociado, que conservaría la nacionalidad del pueblo puertorriqueño o la independencia, que los separaría. La estadidad disolvería la nación puertorriqueña, sería la muerte de nuestra nación. Por consiguiente la desaparición de Puerto Rico de las esferas mundiales como nación existente actual, por su cultura, por su territorio, por su raza, por sus costumbres, con todo lo que pueda ser las características de una nación.

Mr. ABERCROMBIE. Thank you. If that's the case . . . if that's the case then, I will ask you the question I asked to Sr. Vega previously.

What if the suggestion was made to Chairman Young, because you also indicate in your testimony that Governor Rossello has not committed himself to accept the results of the 1993 plebiscite, and defend them before the United States Congress, on behalf of the people.

What if . . . if Congressman Young then took the plebiscite results, with the definitions that appeared in the plebiscite, and then presented that to the Congress of the United States in a resolution to see whether the Congress would approve or disapprove, would that be acceptable to you?

Mr. FAS-ALZAMORA. Ese es precisamente debió haber sido el primer paso, no a medidas del Congresista Young. El primer paso . . . lo mismo que está haciendo un comité en Casablanca, haber establecido unos comités para defender en el Congreso el resultado del plesbicitito que entonces era responsivo a la voluntad mayoritaria de la democracia puertorriqueña.

Cada uno de esos puntos son . . . pueden ser negociables. Porque ahora mismo ustedes están discutiendo la Sección 936. El café tiene una protección, ¿por qué no extenderlo a otros productos agrícolas puertorriqueños? Y así cada una de las cosas podía discutirse.

Mr. ABERCROMBIE. No, no, no, excuse me. No, I'm not going to discuss everything. The testimony here today is that the plebiscite which took place in 1993, regardless of the closeness of the vote,

nonetheless, the plurality of people spoke for the Commonwealth as defined in the plebiscite. That's true, is it not?

Mr. FAS-ALZAMORA. Eso es así y lo que nosotros alegamos es que este proyecto está demás. Y si se impulsa, le estaría faltando a la democracia puertorriqueña porque hubo un mandato. Lo correcto es comenzar con ese mandato, con . . .

Mr. ABERCROMBIE. Alright.

Mr. FAS-ALZAMORA. r. . rabajarlo en el Congreso y no imponer un plesbicitito hasta que no se le dé contestación al resultado del 1993. De ahí adelante, empezariám—

Mr. ABERCROMBIE. So the answer is . . . so the answer is that you would be favorable for Chairman Young presenting the results of the plebescite to the Congress to say yes or no as to whether we would be in agreement.

Mr. FAS-ALZAMORA. No creo que sea tan simplista poder llevar eso al Congreso para contestar sí o no. Porque esto requiere conversación y porque tal como está . . . tal como está pues es muy fácil uno poder llegar a la conclusión, donde hemos podido notar y por lo inicios de este mismo proyecto que hay unos miembros del Congreso favorecedores de la estadidad. Y nadie que favorezca la estadidad o pudiera favorecer la independendencia van a favorecer estas cosas. Sería una cuestión de diálogo.

Yo le diría una cosa con mucho respeto a ustedes miembros del Congreso. El pueblo puertorriqueño debe tener la libertad de decidir cualquier asunto que tenga que ver con su estatus. La situación actual es, en el Congreso de los Estados Unidos pues hay Congresistas que ya se han manifestado a favor de determinada fórmula. Entonces, causa cierta preocupación y hasta cierto punto . . .

Mr. ABERCROMBIE. I have not stated that.

Mr. FAS-ALZAMORA. No estoy diciendo usted obviamente. Causa preocupación y tiende a causar hasta indignación de que si los asuntos de Puerto Rico como terminé yo mi mensaje, deben resuelto por iniciativa de los puertorriqueños, entonces sea en la dirección contraria.

Y eso hay que impugnarlo, por lo menos desde mi punto de vista. Los asuntos de Puerto Rico deben ser iniciados por los puertorriqueños y no por el Congreso. Y sobre todo cuando la iniciativa del Congreso es contraria a la voluntad democrática del pueblo como ha sido la iniciativa del distinguido Congresista Young.

Mr. ABERCROMBIE. I appreciate that, "muchas gracias".

Mr. YOUNG. The gentleman from Indiana, do you have any questions?

Mr. BURTON. I have no questions.

Mr. YOUNG. The gentleman from Wisconsin, do you have any questions?

Mr. ROTH. I just appreciate the excellent testimony, Mr. Chairman, and I have no further questions.

Mr. YOUNG. The gentleman from Guam, Mr. Underwood?

Mr. UNDERWOOD. I have no questions.

Mr. YOUNG. No questions? The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Una sola pregunta. Entonces, Senador Faz-Alzamora, ¿usted no está de acuerdo con se le someta al

Congreso una propuesta de que si acepta o no lo que se pone que es el Estado Libre Asociado en la papeleta del 93' para que vote sí o no, si lo acepta o no lo acepta, usted no está de acuerdo con eso?

Mr. FAS-ALZAMORA. No, yo no he dicho eso, Señor Comisionado Residente. Yo lo que he dicho. . .

Mr. ROMERO-BARCELÓ. ¿Pues entonces está de acuerdo?

Mr. FAS-ALZAMORA. Pero estaba en mi contestación.

Mr. ROMERO-BARCELÓ. No, lo que quiero saber es únicamente. . . para que el pueblo de Puerto Rico entienda claramente si es que está de acuerdo o no.

Mr. FAS-ALZAMORA. Pues fíjese. . .

Mr. ROMERO-BARCELÓ. Es que me parece que podríamos hablar claro si está de acuerdo o no está de acuerdo.

Mr. FAS-ALZAMORA. Para estar claro, yo le voy a dar mi contestación. Yo estoy de acuerdo tal y como dice la fórmula que nosotros los de Puerto Rico, de que se harán gestiones en el Congreso. No es de la forma que usted dice que voten sí o no porque esto no es un referéndum.

Es que se harán gestiones en el Congreso y esas gestiones conllevan diálogo, conversaciones, estudios económicos, viabilidad de la responsabilidad que tiene el gobierno de Estados Unidos para con Puerto Rico y su democracia, no se contempla con un simple sí o no.

Eso es lo que ustedes quisieran porque obviamente bajo esas alternativas, pues usted tiene muy buenos amigos, los que no tengo yo que podrían favorecer su fórmula rechazando unos pedidos justos que hay de un pueblo puertorriqueño como ciudadanos norteamericanos que somos.

Mr. ROMERO-BARCELÓ. Para el récord, estoy leyendo ahora de la misma papeleta. Dice, "Un voto por el Estado Libre Asociado es un mandato a favor de le garantizará si. . .

Mr. FAS-ALZAMORA. Siga leyendo. . .

Mr. ROMERO-BARCELÓ. r. . al proponerse, etcétera, etcétera. Así que, uso es lo que esta aguí, tu no esta de acuerdo con esto..

Mr. FAS-ALZAMORA. Lease las minutas. . .

Mr. ROMERO-BARCELÓ. No hay problema, no hay problema. No está de acuerdo.

Mr. FAS-ALZAMORA. Yo le pido al Señor Congresista. . . al Sr. Comisionado Residente que siga leyendo y dice, "un mandato para gestionar en el Congreso. . .". Nosotros no podemos fomentarlo porque si nosotros fuéramos los que tuviéramos la decisión acá, pues no había que ir a solicitar nada al Congreso.

Se trata de solicitudes de legislación Federal que no están incluidas en el pacto del Estado Libre Asociado y que el Congreso. . . por el convenio propio se le delegó al Congreso sobre ese tipo de legislación. Como es la 936, que no tienen que ver nada necesariamente con el Estado Libre Asociado y su pacto pero que no podrían existir bajo la estadidad del Comisionado Residente defiende.

Mr. YOUNG. I want to thank you for your testimony and your strong beliefs and your positions. And I also want to thank the audience again and all those participants. I want to thank the press.

For the first time I feel a little bit kinder to you because it's been hotter than the devil down here. You're all fanning yourselves.

But as of now, this hearing is adjourned, and we will continue this later on down the road, and hopefully will arrive at a solution for the people of Puerto Rico.

The hearing is adjourned.

[Whereupon, at 2:50 p.m., the subcommittee was adjourned.]

104TH CONGRESS
2D SESSION

H. R. 3024

To provide a process leading to full self-government for Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1996

Mr. YOUNG of Alaska (for himself, Mr. GALLEGLY, Mr. GINGRICH, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. GILMAN, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. CALVERT, Mr. LONGLEY, Mr. GENE GREEN of Texas, Mr. DEUTSCH, and Mr. KLINK) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a process leading to full self-government for
Puerto Rico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United States-Puerto Rico Political Status Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- See. 1. Short title.
- See. 2. Findings.
- See. 3. Policy.
- See. 4. Process for Puerto Rican full self-government, including the initial decision stage, transition stage, and implementation stage.
- See. 5. Requirements relating to referenda, including inconclusive referendum and applicable laws.
- See. 6. Congressional procedures for consideration of legislation.
- See. 7. Availability of funds for the referenda.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Puerto Rico is an unincorporated and lo-
4 cally self-governing territory of the United States,
5 ceded to the United States and under this Nation's
6 sovereignty pursuant to the Treaty of Paris ending
7 the Spanish-American War in 1898. Article IX of
8 the Treaty of Paris expressly recognizes the author-
9 ity of Congress to provide for the political status of
10 the inhabitants of the territory.

11 (2) United States citizenship was extended to
12 Puerto Rico in 1917, as well as partial application
13 of the United States Constitution.

14 (3) In the period 1950–1952, Congress author-
15 ized, amended, and then approved a constitution for
16 Puerto Rico's local government, which is now called
17 the "Commonwealth of Puerto Rico", without alter-
18 ing the territory's fundamental economic, political,
19 and legal relationship with the United States.

20 (4) In the 1989 State of the Union Message,
21 President George Bush urged the Congress to take

1 the necessary steps to authorize a federally recog-
2 nized process allowing the people of Puerto Rico, for
3 the first time since the Treaty of Paris entered into
4 force, to freely express their wishes regarding their
5 future political status in a congressionally recognized
6 referendum, a step in the process of self-determina-
7 tion which the Congress has yet to authorize.

8 (5) In November of 1993, the Government of
9 Puerto Rico conducted a plebiscite initiated under
10 local law on Puerto Rico's political status. In that
11 vote none of the three status propositions received a
12 majority of the votes cast. The results of that vote
13 were: 48.6 percent commonwealth, 46.3 percent
14 statehood, and 4.4 percent independence.

15 (6) In 1994, President William Jefferson Clin-
16 ton established the Executive Branch Interagency
17 Working Group on Puerto Rico to coordinate the re-
18 view, development, and implementation of executive
19 branch administrative policy concerning Puerto Rico
20 in light of the November 1993 plebiscite in the is-
21 lands.

22 (7) There have been inconsistent and conflicting
23 interpretations of the 1993 plebiscite results, and
24 under the Territorial Clause of the Constitution (ar-
25 ticle IV, section 3, clause 2), Congress has the au-

1 thority and responsibility to determine Federal pol-
2 icy and clarify status issues in order to advance the
3 self-determination process in Puerto Rico.

4 (8) On December 14, 1994, the Puerto Rico
5 Legislature enacted Concurrent Resolution 62, which
6 requested the 104th Congress to respond to the re-
7 sults of the 1993 Puerto Rico Status Plebiscite and
8 to indicate the next steps in resolving Puerto Rico's
9 political status.

10 (9) Nearly 4,000,000 United States citizens live
11 in the islands of Puerto Rico, which have been with-
12 in the American political system and the United
13 States customs territory for almost 100 years, mak-
14 ing Puerto Rico the oldest, largest, and most popu-
15 lous United States island territory at the southeast-
16 ern-most boundary of our Nation, located astride the
17 strategic shipping lanes of the Atlantic Ocean and
18 Caribbean Sea.

19 (10) Full self-government for Puerto Rico is at-
20 tainable only through establishment of a political
21 status either without or within United States sov-
22 ereignty, under which Puerto Rico is no longer an
23 unincorporated territory subject to the plenary au-
24 thority of Congress arising from the Territorial
25 Clause.

1 **SEC. 3. POLICY.**

2 In recognition of the significant level of local self-gov-
3 ernment which has been attained by Puerto Rico, and the
4 desire by both the United States and Puerto Rico to en-
5 able the people of the territory to achieve full self-govern-
6 ment through a self-determination process consistent with
7 United States and internationally recognized standards,
8 this Act is adopted with a commitment to encourage the
9 mutual development and implementation of procedures to
10 determine the political status of Puerto Rico.

11 **SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERN-**
12 **MENT, INCLUDING THE INITIAL DECISION**
13 **STAGE, TRANSITION STAGE, AND IMPLEMEN-**
14 **TATION STAGE.**

15 (a) INITIAL DECISION STAGE.—A referendum on
16 Puerto Rico's political status shall be held not later than
17 December 31, 1998. The referendum shall be held in ac-
18 cordance with the applicable provisions of Puerto Rico's
19 electoral law and other relevant statutes, and approval
20 must be by a majority of the valid votes cast. The referen-
21 dum shall be on the following question:

22 "Which path leading to full self-government for Puer-
23 to Rico do you prefer to be developed through a transition
24 plan enacted by the Congress and approved by the people
25 of Puerto Rico?"

1 “(1) A path of separate Puerto Rican sov-
2 ereignty leading to independence or free association,
3 in which—

4 “(A) Puerto Rico is a sovereign nation
5 with full authority and responsibility for its in-
6 ternal and external affairs, exercising in its own
7 name and right the powers of government with
8 respect to its territory and population, language
9 and culture, and determining its own relations
10 and participation in the community of nations;

11 “(B) a negotiated treaty of friendship and
12 cooperation or an international bilateral pact of
13 free association terminable at will by either
14 Puerto Rico or the United States, defines fu-
15 ture relations between Puerto Rico and the
16 United States, providing for cooperation and
17 assistance in matters of shared interest as
18 agreed and approved by Puerto Rico and the
19 United States pursuant to this Act and their re-
20 spective constitutional processes;

21 “(C) a constitution democratically insti-
22 tuted by the people of Puerto Rico, establishing
23 a republican form of full self-government and
24 securing the rights of citizens of the Puerto
25 Rican nation, is the supreme law, and the Con-

1 stitution and laws of the United States no
2 longer apply in Puerto Rico;

3 “(D) Puerto Rico exercises the sovereign
4 power to determine and control its own nation-
5 ality and citizenship, and United States nation-
6 ality and citizenship conferred on the people of
7 Puerto Rico based upon birth in the territory
8 during the period in which the United States
9 exercised sovereignty and jurisdiction over
10 Puerto Rico is withdrawn in favor of Puerto
11 Rican nationality and citizenship, and the Unit-
12 ed States Congress has authority to prescribe
13 criteria for affected individuals to establish eli-
14 gibility for retention of United States national-
15 ity and citizenship or naturalization in the
16 United States on a basis which does not create
17 an exception to the establishment and preserva-
18 tion of separate United States and Puerto
19 Rican nationality and citizenship;

20 “(E) upon recognition of Puerto Rico by
21 the United States as a sovereign nation and es-
22 tablishment of government-to-government rela-
23 tions on the basis of comity and reciprocity,
24 Puerto Rico’s representation to the United
25 States is accorded full diplomatic status;

1 “(F) Puerto Rico is eligible for United
2 States assistance provided on a government-to-
3 government basis, including foreign aid or pro-
4 grammatic assistance, at levels determined at
5 the discretion of Congress and the President;

6 “(G) property rights and previously ac-
7 quired rights vested by employment in Puerto
8 Rico or the United States are honored, and
9 where determined necessary such rights are
10 promptly adjusted and settled consistent with
11 government-to-government agreements imple-
12 menting the separation of sovereignty; and

13 “(H) Puerto Rico is outside the customs
14 territory of the United States, and trade be-
15 tween the United States and Puerto Rico is
16 based on a treaty.

17 “(2) A path under United States sovereignty
18 leading to statehood, in which—

19 “(A) the people of Puerto Rico are fully
20 self-governing with their rights secured under
21 the United States Constitution, which is the su-
22 preme law and has the same force and effect as
23 in the other States of the Union;

24 “(B) the sovereign State of Puerto Rico is
25 in permanent union with the United States, and

1 powers not delegated to the Federal Govern-
2 ment or prohibited to the States by the United
3 States Constitution are reserved to the people
4 of Puerto Rico or the State Government;

5 “(C) United States citizenship of those
6 born in Puerto Rico is guaranteed and pro-
7 tected to the same extent as those born in the
8 several States;

9 “(D) residents of Puerto Rico have equal
10 rights and benefits as well as equal duties and
11 responsibilities of citizenship, including payment
12 of Federal taxes, as those in the several States;

13 “(E) Puerto Rico is represented in the
14 United States Senate and the House of Rep-
15 resentatives proportionate to the population;

16 “(F) Puerto Rico is enfranchised to vote
17 for United States presidential and vice-presi-
18 dential electors proportionate to the population;
19 and

20 “(G) Puerto Rico adheres to the same lan-
21 guage requirement as in the several States.”.

22 (b) TRANSITION STAGE.—

23 (1) PLAN.—Within 180 days of the receipt of
24 the results of the referendum from the Government
25 of Puerto Rico certifying approval of a ballot choice

1 in a referendum held pursuant to subsection (a), the
2 President shall submit to Congress legislation for a
3 transition plan of 10 years minimum which leads to
4 full self-government for Puerto Rico consistent with
5 the terms of this Act and in full consultation with
6 leaders of the three branches of the Government of
7 Puerto Rico, the principal political parties of Puerto
8 Rico, and other interested persons as may be appro-
9 priate.

10 (2) CONGRESSIONAL CONSIDERATION.—The
11 plan shall be considered by the Congress in accord-
12 anee with section 6.

13 (3) PUERTO RICAN APPROVAL.—

14 (A) Not later than 180 days after enact-
15 ment of an Act pursuant to paragraph (1) pro-
16 viding for the transition to full self-government
17 for Puerto Rico as approved in the initial deci-
18 sion referendum held under subsection (a), a
19 referendum shall be held under the applicable
20 provisions of Puerto Rico's electoral law on the
21 question of approval of the transition plan.

22 (B) Approval must be by a majority of the
23 valid votes cast. The results of the referendum
24 shall be certified to the President of the United
25 States by the Government of Puerto Rico.

1 (4) EFFECTIVE DATE FOR TRANSITION PLAN.—

2 Upon receipt of the results of the referendum under
3 this subsection certifying approval of the transition
4 plan, the President of the United States shall issue
5 a proclamation announcing the effective date of the
6 transition plan to full self-government for Puerto
7 Rico.

8 (c) IMPLEMENTATION STAGE.—

9 (1) PRESIDENTIAL RECOMMENDATION.—Not
10 less than two years prior to the end of the period
11 of the transition provided for in the transition plan
12 approved under subsection (b), the President shall
13 submit to Congress legislation with a recommenda-
14 tion for the implementation of full self-government
15 for Puerto Rico consistent with the ballot choice ap-
16 proved under subsection (a).

17 (2) CONGRESSIONAL CONSIDERATION.—The
18 plan shall be considered by the Congress in accord-
19 ance with section 6.

20 (3) PUERTO RICAN APPROVAL.—

21 (A) Within 180 days after enactment of
22 the terms of implementation for full self-govern-
23 ment for Puerto Rico, a referendum shall be
24 held under the applicable provisions of Puerto
25 Rico's electoral laws on the question of the ap-

1 proval of the terms of implementation for full
2 self-government for Puerto Rico.

3 (B) Approval must be by a majority of the
4 valid votes cast. The results of the referendum
5 shall be certified to the President of the United
6 States by the Government of Puerto Rico.

7 (4) EFFECTIVE DATE OF FULL SELF-GOVERN-
8 MENT.—The President of the United States shall
9 issue a proclamation announcing the date of imple-
10 mentation of full self-government for Puerto Rico,
11 upon receipt of the results of the referendum certify-
12 ing approval of the terms of implementation.

13 **SEC. 5. REQUIREMENTS RELATING TO REFERENDA, IN-**
14 **CLUDING INCONCLUSIVE REFERENDUM AND**
15 **APPLICABLE LAWS.**

16 (a) APPLICABLE LAWS.—

17 (1) REFERENDA UNDER PUERTO RICAN
18 LAWS.—The referenda held under this Act shall be
19 conducted in accordance with the laws of Puerto
20 Rico, and voter eligibility for residents and non-
21 residents shall be determined by the Puerto Rico
22 State Election Commission.

23 (2) FEDERAL LAWS.—The Federal laws appli-
24 cable to the election of the Resident Commissioner
25 of Puerto Rico shall, as appropriate, also apply to

1 the referenda. Any reference in such Federal laws to
2 elections shall be considered, as appropriate, to be a
3 reference to the referenda, unless it would frustrate
4 the purposes of this Act.

5 (b) CERTIFICATION OF REFERENDA RESULTS.—The
6 results of each referendum held under this Act shall be
7 certified to the President of the United States and the
8 Senate and House of Representatives of the United States
9 by the Government of Puerto Rico.

10 (c) CONSULTATION AND RECOMMENDATIONS FOR IN-
11 CONCLUSIVE REFERENDUM.—

12 (1) IN GENERAL.—If a referendum provided in
13 this Act does not result in approval of a fully self-
14 governing status, the President, in full consultation
15 with leaders of the three branches of the Govern-
16 ment of Puerto Rico, the principal political parties
17 of Puerto Rico, and other interested persons as may
18 be appropriate, shall make recommendations to the
19 Congress within 180 days of receipt of the results of
20 the referendum.

21 (2) EXISTING STRUCTURE TO REMAIN IN EF-
22 FECT.—If the inhabitants of the territory do not
23 achieve full self-governance through either integra-
24 tion into the Union or separate sovereignty in the
25 form of independence or free association, Puerto

1 Rico will remain an unincorporated territory of the
2 United States, subject to the authority of Congress
3 under Article IV, Section 3, Clause 2 of the United
4 States Constitution. In that event, the existing Com-
5 monwealth of Puerto Rico structure for local self-
6 government will remain in effect, subject to such
7 other measures as may be adopted by Congress in
8 the exercise of its Territorial Clause powers to de-
9 termine the disposition of the territory and status
10 of its inhabitants.

11 **SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDER-**
12 **ATION OF LEGISLATION.**

13 (a) IN GENERAL.—The Chairman of the Committee
14 on Energy and Natural Resources shall introduce legisla-
15 tion providing for the transition plan under section 4(b)
16 and the implementation recommendation under section
17 4(c), as appropriate, in the United States Senate and the
18 Chairman of the Committee on Resources shall introduce
19 such legislation in the United States House of Representa-
20 tives, providing adequate time for the consideration of the
21 legislation pursuant to the following provisions:

22 (1) At any time after the close of the 180th cal-
23 endar day beginning after the date of introduction of
24 such legislation, it shall be in order for any Member
25 of the United States House of Representatives or

1 the United States Senate to move to discharge any
2 committee of that House from further consideration
3 of the legislation. A motion to discharge shall be
4 highly privileged, and debate thereon shall be limited
5 to not more than two hours, to be divided equally
6 between those supporting and those opposing the
7 motion. An amendment to the motion shall not be in
8 order, and it shall not be in order to move to recon-
9 sider the vote by which the motion was agreed to or
10 disagreed to.

11 (2) At any time after the close of the 14th leg-
12 islative day beginning after the last committee of
13 that House has reported or been discharged from
14 further consideration of such legislation, it shall be
15 in order for any Member of that House to move to
16 proceed to the immediate consideration of the legis-
17 lation (such motion not being debatable), and such
18 motion is hereby made of high privilege. An amend-
19 ment to the motion shall not be in order, and it shall
20 not be in order to move to reconsider the vote by
21 which the motion was agreed to or disagreed to. For
22 the purposes of this paragraph, the term "legislative
23 day" means a day on which the United States
24 House of Representatives or the United States Sen-
25 ate, as appropriate, is in session.

1 (b) COMMITMENT OF CONGRESS.—Enactment of this
2 section constitutes a commitment that the United States
3 Congress will vote on legislation establishing appropriate
4 mechanisms and procedures to implement the political sta-
5 tus selected by the people of Puerto Rico.

6 (c) EXERCISE OF RULEMAKING POWER.—The provi-
7 sions of this section are enacted by the Congress—

8 (1) as an exercise of the rulemaking power of
9 the Senate and the House of Representatives and, as
10 such, shall be considered as part of the rules of each
11 House and shall supersede other rules only to the
12 extent that they are inconsistent therewith; and

13 (2) with full recognition of the constitutional
14 right of either House to change the rules (so far as
15 they relate to the procedures of that House) at any
16 time, in the same manner, and to the same extent
17 as in the case of any other rule of that House.

18 **SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.**

19 (a) IN GENERAL.—

20 (1) AVAILABILITY OF AMOUNTS DERIVED FROM
21 TAX ON FOREIGN RUM.—During the period begin-
22 ning on October 1, 1996, and ending on the date the
23 President determines that all referenda required by
24 this Act have been held, the Secretary of the Treas-
25 ury, upon request from time to time by the Presi-

1 dent and in lieu of covering amounts into the treas-
2 ury of Puerto Rico under section 7652(e)(1) of the
3 Internal Revenue Code of 1986, shall make such
4 amounts available to the President for the purposes
5 specified in subsection (b).

6 (2) USE OF UNEXPENDED AMOUNTS.—Follow-
7 ing each referendum required by this Act and after
8 the end of the period specified in paragraph (1), the
9 President shall transfer all unobligated and unex-
10 pended amounts received by the President under
11 paragraph (1) to the treasury of Puerto Rico for use
12 in the same manner and for the same purposes as
13 all other amounts covered into the treasury of Puer-
14 to Rico under such section 7652(e)(1).

15 (b) GRANTS FOR CONDUCTING REFERENDA AND
16 VOTER EDUCATION.—From amounts made available
17 under subsection (a)(1), the President shall make grants
18 to the State Elections Commission of Puerto Rico for
19 referenda held pursuant to the terms of this Act, as fol-
20 lows:

21 (1) 50 percent shall be available only for costs
22 of conducting the referenda.

23 (2) 50 percent shall be available only for voter
24 education funds for the central ruling body of the
25 political party or parties advocating a particular bal-

1 lot choice. In the case that more than one party is
2 advocating a ballot choice, the 50 percent shall be
3 apportioned equally among the parties.

4 (c) **ADDITIONAL RESOURCES.**—In addition to
5 amounts made available by this Act, the Puerto Rico Leg-
6 islature may allocate additional resources for administra-
7 tive and voter education costs to each party so long as
8 the distribution of funds is consistent with the apportion-
9 ment requirements of subsection (b).

○

THE PREPARED STATEMENT OF JUAN M. GARCIA-PASSALACQUA

After four decades, this bill answers the question.

However, John F. Kennedy won the Presidency in 1960.

• In 1961. Muñoz filed a proposal of the future status in the White House that reads: "Upon certification by the Governor of the Commonwealth of Puerto Rico to the President of the United States that the conditions specified in this Act have been fulfilled, the President shall proclaim that the Commonwealth of Puerto Rico has become a fully sovereign state, in permanent association with the United States"

• In 1962. A draft bill approved by Muñoz came out of the White House, reading: "That at the effective date of this Act the United States of American shall relinquish its sovereign rights in and to Puerto Rico and shall from then on exercise only such rights with respect thereto as may be delegated to it by the people of Puerto Rico and accepted by the government of the United States".

In the Legislative Assembly of Puerto Rico, Muñoz got approval of a resolution that asked for: "The recognition and reaffirmation of the sovereignty of the people of Puerto Rico, so that there may remain no doubt as to its capacity to enter into a compact in juridical terms of equality". The PDP won big in 1964.

Luis Muñoz Marin retired in 1964. This is his official record of all his official positions regarding the status issue.

• In 1978. Just two years before his death, Muñoz left his political testament in an interview in the newspaper El Mundo. In it, talking about political status, he gave his final word:

"If Puerto Rico had obtained independence from Spain and had proposed to the United States to unite with them, in an autonomous union, the minimum of powers that we would have to developed autonomy" for Puerto Rico.

This, gentlemen, is the official historical record. We are pleased that your bill honors it. That is why I support it.

EXHIBITS

1. Letter from Henry Cabot Lodge to President Dwight D. Eisenhower, November 28, 1953 (1 page): "Your idea about Puerto Rico turned out to be a ten-strike".

2. Top Secret letter from Mason Sears to Henry Cabot Lodge of January 8, 1954 with annotation by President Eisenhower: "Fine. Secret. DE" (2 pages. Declassified 10/20/81): "It would also do no harm to hint at the almost certain honor which would attach itself to Governor Muñoz should he become the first President of Puerto Rico".

3. Memorandum to Senator Lodge from Mason Sears, March 23, 1956 re Puerto Rican Independence (2 pages): "Here is an idea about ultimate Puerto Rican independence which I think has much merit and which I which could somehow be brought to the attention of the appropriate Congressmen".

4. Letter from Henry Cabot Lodge to Sherman Adams, March 27, 1956 (1 page): It is that Congress adopt a resolution offering independence to Puerto Rico on precisely the same terms as the President offered it. If the offer were accepted, many problems would be solved".

5. Memorandum fro Jerry Morgan from Dwight D. Eisenhower, June 17, 1959 (1 page): "This is the memorandum handed to me by Governor Muñoz-Marin when you accompanied him to my office. When bother him so much, please give me a report."

* * * * *

UNITED STATES REPRESENTATIVE
 UNITED NATIONS
 November 26, 1953

DEAR GENERAL:

Your idea about Puerto Rico turned out to be a ten-strike.

As you will have seen in the papers, I made the announcement in the General Assembly yesterday—one week to the day after you mentioned it at breakfast—and received an unprecedented burst of applause from the delegates. I was warmly thanked by the Puerto Rican Delegate in particular and the comment among the newspapermen was uniformly enthusiastic. The effect will be tremendous in Latin American and in all colonial areas and it will regain some of the ground which unavoidably we lost earlier because of Tunisia and Morocco. The domestic reaction is good too.

Enclosed is a copy of the statement I made.

Enclosed also is a copy of a letter which I am using to some Jewish friends. I thought it might be useful to you in case any Jewish people come to talk to you about the Security Council resolution on Kibya. While the resolution was not as I would have written it myself, it is by no means as bad as some Jewish extremists say that it is. In fact the net long-term result should be helpful to Israel. I believe the enclosed is a balanced statement.

Faithfully yours,

HENRY CABOT LODGE, JR.,

Enclosures
 The President, The White House.

January 8, 1954.

The Honorable Henry Cabot Lodge, Jr.,
 White House,
 Washington, DC

DEAR MR. CABOT:

Last Tuesday you asked me to give some thought as to how it might be possible to stimulate the Puerto Rican Legislature to adopt a resolve requesting the United States to give full independence to Puerto Rico. Here are some preliminary thoughts on the matter.

To begin with, there are certain fixed factors in the situation. They are:

1. The present compact between Puerto Rico and the United States cannot be altered without Puerto Rican approval.
2. A rough breakdown of party strength among the electorate puts the Popular party, headed by Governor Muñoz, at 60 percent, the statehood party of 20 percent and the Independence party of 20 percent. As a practical matter this means that nothing can be done unless Governor Muñoz is able and willing to sell the idea to his own party. This will not be easy, considering that the principal reason for the existence of the Popular party has been the belief that as an independent Nation the Puerto Ricans could not enjoy the close integration with the United States economy, which is necessary if they are to stand on their own feet economically.
3. It should also be borne in mind that as soon as the possibility of independence becomes public in Puerto Rico it may have the result of the temporarily increasing the number of people who wish to migrate to the United States while it can be done without any restrictions.

With these facts in mind here is a possible line of approach to Governor Muñoz:

(1) It should be explained to the Government that it was recognized in Washington that the establishment of Independence would be meaningless to Puerto Rico unless its present economic arrangements with the United States were continued into the future:

(2) In view of the fact that up to the present Governor Muñoz has gone out of this way to emphasize that the present commonwealth relationship with the United States is far more beneficial to Puerto Rico than independence, some formula must be devised to permit him to make an about-face without risking a political loss-of-face. It might be suggested that this could be accomplished if the governor were to send a message to the legislature stating that operations of the Government under the 1952 compact had proved so much more successful than anticipated that it was apparent that if the United States were willing to extend into the future its present economic arrangements with Puerto Rico, the time had definitely come when there

would be great advantage to the Puerto Rican people if they were to become fully independent and on an equal footing with all other Latin American countries;

(3) It would also do no harm to hint at the almost certain honor which would attach itself to Governor Muñoz should he become the first president of Puerto Rico;

(4) It should be explained to the Governor that the establishment of independence in Puerto Rico in the near future would have an international impact in view of the colonial issue which is so red hot in most parts of the world. It would be received with great satisfaction by the Asiatic-African Nations and would enhance the influence of the two American continents in world affairs.

In conclusion it is my opinion that it is going to be difficult to persuade Governor Muñoz to accept this proposal. If he opposes the idea, there would, of course, be no chance of success. For this reason I believe that the proposal should be presented to him at a very high level, preferably by yourself or by the Secretary of State if he were willing. Toward that end I would suggest that a confidential communication be sent to Governor Muñoz inviting him to a private conference the next time it is convenient for him to be in the United States.

Finally, let me say that this whole matter is fraught with danger and any misstep could easily lead to violence and bloodshed in Puerto Rico.

Sincerely yours,

MASON SEARS

MEMORANDUM

March 23, 1956

TO: Senator Lodge

FROM: Mason Sears

SUBJECT: Puerto Rican Independence.

Here is an idea about ultimate Puerto Rican independence which I think has much merit and which I wish could somehow be brought to the attention of the appropriate Congressmen. It concerns the possibility of a Congressional resolution in support of a statement in favor of independence for Puerto Rico which you presented on behalf of the President to the General Assembly two years ago. At that time you said to the General Assembly: "I am authorized to say on behalf of the President that if at any time the Legislative Assembly of Puerto Rico adopts a resolution in favor of more complete or even absolute independence, he will immediately thereafter recommend to Congress that such independence be granted."

I believe that a parallel statement in the form of a Congressional resolution would be very beneficial to the United States in view of its anti-colonial traditions, which it is temporarily having to stifle in view of its NATO alliance with the colonial powers.

While I am not familiar with Congressional drafting procedures, I submit the following idea for a resolution which could be altered in any way to meet the requirements. It goes as follows:

Whereas the President of the United States has stated that if at any time the Legislative Assembly of Puerto Rico adopts a resolution in favor of more complete or even absolute independence he will immediately thereafter recommend to Congress that such independence be granted; and

Whereas the present agreement between Puerto Rico and the United States is a compact which cannot be altered unilaterally; and

Whereas the people of Puerto Rico have been in charge of their own government for many years and have been officially recognized as a self-governing people by the United Nations: Now, therefore, be it

Resolved by the Senate and House of representatives of the United States of America in Congress assembled, That if the Legislative Assembly of Puerto Rico adopts a resolution in favor of more complete or even absolute independence, and if the President of the United States were to recommend to Congress that such independence be granted, the Congress that such independence be granted, the Congress would desire to cooperate with the Legislative Assembly of Puerto Rico in an effort to reach a new agreement which would result in independence.

I earnestly hope that something can be done to bring this suggestion to the attention of the appropriate committees in the House and Senate.

March 27, 1956.

DEAR SHERM:

You know how much thought has been given to this problem of Puerto Rico—with all its implications at home and abroad.

You may also remember that two years ago the President authorized me to say to the United Nations that any time the Puerto Rican Assembly adopted a resolution in favor of independence that the President would immediately recommend to Congress that such independence be granted.

There was no reaction from Puerto Rico to this move.

Mason Sears, who is our United States Representative on the Trusteeship Council, has evolved an idea which I think has a great deal of merit. It is that Congress adopt a resolution offering independence to Puerto Rico on precisely the same terms as the President offered it.

If the offer were accepted, many problems would be solved.

If the offer were rejected, our Congress would at the very least have taken a step which would be interpreted as "anti-colonial" and do us great good throughout the world—notably in Afro-Asian countries.

As this involves so many different Departments, I am sending it to you.

It is an idea that has real merit and I do not see what we could possibly lose by it.

I enclose Sears' memorandum to me.

Faithfully yours,

HENRY CABOT LODGE, JR.

Encl. Memorandum 3/23/56

The Honorable Sherman Adams,

The White House.

THE WHITE HOUSE
WASHINGTON
JUNE 17, 1959.

MEMORANDUM FOR JERRY MORGAN

This is the memorandum handed to me by Governor Muñoz-Marín when you accompanied him to my office. When you have examined into the "Commonwealth" question that seemed to bother him so much, please give me a report.

D.D.E.

SUPPLEMENTAL SHEET

My full name, complete address and telephone number are:

JUAN M. GARCIA PASSALACQUA
President, Analysis Inc.
Condominio Parque de las Fuentes
Apt. 503
Hato Rey, PUERTO RICO 00918

(758) 758-5029.

The topical outline or summary of the testimony is:

The Estado Libre Asociado of Puerto Rico was created in 1952-1953 by the administrations of United States Presidents Harry S. Truman and Dwight D. Eisenhower together with Puerto Rican Governor Luis Muñoz Marín, for whom I worked as a Special Assistant during the years 1958 and 1962-1964. In that capacity I was privy to confidential information on his intent in creating the status as one of "free association".

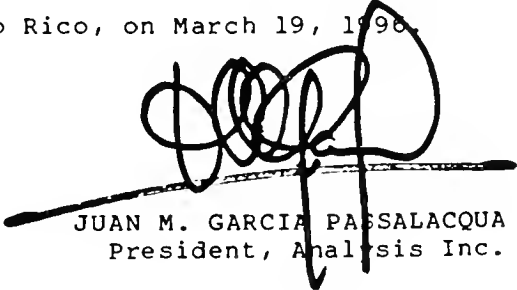
President Dwight D. Eisenhower offered the people of Puerto Rico independence through Ambassador Henry Cabot Lodge at the United Nations on November 27, 1953.

To that offer, Luis Muñoz Marín responded, on behalf of the people of Puerto Rico proposing the following course of action: "We must eliminate all functions that would not be exercised by and independent country and that are unnecessary to the concept of free association with common citizenship".

That concept, as proposed by Luis Muñoz Marín to Dwight D. Eisenhower in 1953, is the one contained in H.R. 3024 as the definition of "free association".

In his memory, and for that reason, I favor H.R. 3024.

GIVEN, in San Juan, Puerto Rico, on March 19, 1966.



JUAN M. GARCIA PASSALACQUA
President, Analysis Inc.



JUAN M. GARCIA - PASSALACQUA
 PRESIDENTE
 ANALISIS INCORPORADO

PALMA REAL 852
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CURRICULUM VITAE

President of Análisis Inc., a non-profit political analysis firm founded in 1969 in San Juan, Puerto Rico. Graduate of the Harvard Law School, 1962. Visiting Professor at Yale University Political Science Department (1987-88, 1990-91). Author of a dozen books, among them Puerto Rico: Equality and Freedom at Issue, Hoover/Praeger, New York, 1984. Founder of the Harvard International Law Journal (1961). Founder of the National Association of Hispanic Journalists (1982). Member of the Hispanic Advisory Group to Secretary of State Cyrus Vance, 1977-1980. Member of Jimmy Carter observer team to the Panama elections in 1989 and several other observer missions for the National Democratic Institute for International Affairs. Member of the Council on Foreign Relations in New York since 1989. At present political analyst for El Nuevo Herald in Miami.

* * *

Born in Hato Rey, Puerto Rico in 1937. Has degrees from the University of Puerto Rico (1957), Fletcher School of Law and Diplomacy of Tufts University (1958), Juris Doctor of Harvard University (1962), Tulane University (1967), and an Honorary Degree from Central University, Bayamón, Puerto Rico (1972).

Has served in the State Department of Puerto Rico (1958), the Office of the Governor of Puerto Rico (1962-1967), and the Ana G. Méndez Educational Foundation in Puerto Rico (1967-1987), where he is a member of the Board of Directors since retirement from his position as House Counsel, after twenty years.

Has done political analysis for the last twenty five years on Puerto Rican, the Caribbean, Latin America and United States affairs for television, radio and newspapers in Puerto Rico.

Has lectured at the Sorbonne, Harvard, Universidad Nacional Autónoma de México, Universidad Menéndez y Pelayo in Spain, Universidad de la Habana in Cuba, the Smithsonian Institution, the World Peace Foundation in Boston, the Friedrich Ebert Foundation in Germany, the Institute for European-Latin American Relations in England, and the Americas Society in New York.

His latest publication is an essay in Colin Clarke (ed.), Society and Politics in the Caribbean, Macmillan/St. Anthony's College, Oxford, England, 1991.

Has traveled to fifty countries in Latin America, Europe and Asia. Speaks, reads and writes fluently in both English and Spanish. Reading ability in other languages.

Is married to Ivonne Acosta and has three children.

TESTIMONY OF
HECTOR LUIS ACEVEDO
PRESIDENT
POPULAR DEMOCRATIC PARTY
BEFORE THE NATIVE AMERICAN AND
INSULAR AFFAIRS SUB-COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
HEARINGS ON H.R. 3024
SAN JUAN, PUERTO RICO
MARCH, 23, 1996

Mr. President, Members of the United States House of Representatives.

I come before you today to speak about democracy. Of the type of democracy that equates the weak with the powerful. Of the special sense that human beings have that make us understand that in this life no person is more nor less than any other person.

The struggle of the Puerto Rican people, as soon as it gained consciousness of its collective self, has been to affirm its values through political action.

The tale of my people is not about civil war nor about bloodshed; it is the tale of equality in hope and in the respect that each human being deserves. Where people are judged not by the position that they hold or the wealth that they accumulate, but by the contributions they make when faced with the challenges of life and the causes that they defend.

In this historic epic, our people have framed their centennial struggle demanding respect for their identity.

It is under those premises of self-respect, of commitment with the well being of our people and the recognition that we should liberate ourselves from the ambush of traditional ways, that the relationship between Puerto Rico and the United States has been guided. A principal part of that relationship is the respect to the free and self-determination of the people of Puerto Rico, as evidenced by U.S. presidents like Harry Truman, Dwight D. Eisenhower and John F. Kennedy. No one can preach to be in favor of liberty and not be willing to respect its exercise.

This is why this bill (HR 3024) finds no place in a democracy. It is the product of the actions of those who give their backs to our voters and who do not respect the will of the people of Puerto Rico as expressed freely in the ballot box. Of those who only respect democracy when they win. Today, those who could not convince our people to take a different course, after imposing a plebiscite under their own rules, ask you to impose solutions that were defeated in the ballot box. This bill is not about different status formulas, but about the respect owed to the democratic dignity of Puerto Rico and the United States.

Here in Puerto Rico the votes were already counted. In explaining those results some wish now to re-write history and alter the will of the people. That behavior constitutes an offense to the Puerto Rican people.

Voting constitutes one of the most precious values of our people. And we have showed it over and over; that is why Puerto Rico has one of the highest rates of electoral participation in the world. Certainly much higher than the rate in the United States.

That is the reason why we demand respect for the Commonwealth status; and by doing it we are also demanding respect for the democratic will of all Puerto Ricans.

Commonwealth won the plebiscite; those who lost are obliged now to recognize, accept and respect that decision of our people. They abuse their power and in the process offend the dignity of Puerto Ricans when, using the strength of money and the political power, they pretend to obtain through illegitimate means what they could not advance in the ballot box.

Those who a few weeks ago were celebrating the loss of American citizenship, but today, after seeing the outrage of our people, oportunistically retracted themselves, deserve our most powerful rejection.

Those who have lost an election to the Commonwealth and have to resort to another plebiscite as their only means to defeat it, insult our people.

The U.S. Congress must also respect and work constructively to make effective that decision.

That goal cannot be accomplished if it is not understood that by virtue of Law 600 Puerto Rico and the United States entered into a compact between the two peoples; if it is not understood that in 1953 the United States presented to the United Nations the Constitution of Puerto Rico and the concerted compact with Puerto Rico to justify the request that Puerto Rico be eliminated from the list of colonial territories.

There, the U.S. Ambassador, Henry Cabot Lodge, informed that the compact between the people of the United States and the people of Puerto Rico could not be broken unilaterally by one of the parties and that it was stronger than a treaty. And that by virtue of that representation the United Nations eliminated Puerto Rico from the list of colonial territories, recognizing that Puerto Rico had exercised its right to self-determination and had achieved a legitimate form of self-government.

The bill that you have before you and for which these hearings were called, declares that Congress still wields plenary powers over Puerto Rico, that the establishment of Commonwealth status did not in any way change the relationship between Puerto Rico and the United States, that there is no compact and that none is constitutionally possible. These were the very charges leveled at the United Nations, against the United States, by the principal enemies of democracy then, Cuba and the Soviet Union. Invariably, every time the issue was raised, the ambassadors of the United States before that body, including former President George Bush, vehemently rejected those allegations and reiterated that since

November 3, 1953, the contrary to what it stated in this bill is true: that Puerto Rico exercised its right to self-determination and ceased to be classified as a colonial territory.

If you disagree now against the official position of the United States before the United Nations, there is something that respect for proper international behavior requires you to do immediately. You should inform the United Nations that everything said in 1953 and that has been repeated since, has been a monumental fraud.

Not being this the true nature of Commonwealth, the premises of HR 3024, which is deeply colonial in spirit, are totally wrong.

In conclusion, this bill does not do justice to the good name of the United States. It is meager and crabbed. It is disdainful of what the people of Puerto Rico has freely and overwhelmingly backed for almost half a century in support of Commonwealth. It portrays a great country as still fumbling for answers to what are fundamentally very easy questions, if respect for the equality of our peoples and the right to respect and self-determination are taken to heart. That is not the United States that we know and admire and are proud to be associated with.

The Popular Democratic Party rejects this undemocratic bill, and, in the unlikely event that it be approved, shall not participate in any such sham plebiscite as is tried to be imposed here.

Do not ask me either to suggest amendments to this bill. Its defects cannot be saved because they emanate from its intention. When someone intentionally takes a shot at you, the issue is not the make of the gun or the caliber of the bullet.

Please be aware, members of Congress, that the people of Puerto Rico must be respected. Our dignity is not for sale nor is it willing to be humiliated. Our people, always respectful of others, look in equality to all men through the eyes of liberty.

Please be aware, members of Congress, that Puerto Rico shall never be bought, and shall never surrender.

Thank you.

SENATOR RUBEN BERRIOS MARTINEZ

PRESIDENT OF THE PUERTO RICAN INDEPENDENCE PARTY

TESTIMONY BEFORE THE U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON NATIVE AMERICAN AND INSULAR AFFAIRS

SAN JUAN, PUERTO RICO

MARCH 23, 1996

Mr. Chairman and Members of the Subcommittee:

After listening to the Presidents of the New Progressive and Popular Democratic Parties (NPP and PDP), I imagine that you, as well as a substantial number of our people, must be thinking that the prospects for a bill with wide support in this country are limited, indeed. Often, however, a difficult challenge provokes a good response. This is one of such instances.

Today, I bring before you a proposal designed to achieve the widest possible support without forcing anyone to yield on fundamental principles.

Although the bill under consideration, H.R. 3024, suffers from serious flaws which must be corrected, it also has great merit, and it constitutes an important step in our decolonization process. The bill vindicates the independence movement's historic position: it recognizes the colonial nature of Puerto Rico's status and proposes to enable our people to choose among decolonizing alternatives.

Last Monday, however, the Governor and President of the NPP announced that he would make a proposal which, if adopted, would undo the very essence of the bill under consideration. H.R. 3024 would lose its best attributes if it were to incorporate as an option the very status which it challenges as of a territorial, and hence of a colonial, nature. It would no longer be a decolonizing measure if, under the guise of a so-called basic principle of democracy, the people were asked to choose between colonialism and decolonization.

Since when does democracy create a vested right to opt for colonialism, an institution of servitude which, like apartheid and

slavery, has been outlawed in the civilized world? Colonialism by consent is not -for us or for anyone- a decolonizing option.

The PDP leadership, for its part, views H.R. 3024 as an unilateral and anti-democratic imposition, and an electoral booby trap. It is therefore necessary to put forth a proposal that harmonizes the legitimate interests of the various sectors, preserves the decolonizing nature of the bill, and guarantees a democratic and bilateral process.

To achieve these ends, I propose that H.R. 3024 be amended, first, to establish a mechanism that guarantees that the Puerto Rican people be the one to democratically authorize the decolonization process; and second, to ensure that the decolonizing options presented to the people are defined in a fair and equitable manner.

To democratically authorize the decolonization process, I propose the following mechanism: The bill, after its approval by both Houses of Congress and the President's signature, would not be implemented until the people grant their consent to the process through a referendum in which we vote, Yes or No, to the Young Act. Such referendum would be held in Puerto Rico after the 1996 general election.

If we mean to democratize the process, this would not be achieved by adding a colonial option, as the Governor has suggested, but by submitting the Young Act for ratification by the people as a condition for its implementation. The amendment which I propose will also establish the boundary between a status process

and the general elections, since it would not take effect until the Young Act is ratified in a referendum after the 1996 general election. Finally, our proposal would facilitate the bill's approval in Congress, since the enemies of decolonization will not be able to argue that it is undemocratic as an excuse to oppose it. And as if all this were not sufficient, both you and we would all avoid the shamefulness of having colonialism offered as an alternative.

I should add that the mechanism proposed is not without precedent. A similar one was devised by the U.S. Congress for the approval of Public Law 600 in 1950, although its goals were quite different. The referendum-for-ratification mechanism was then used to consolidate colonialism, and to exclude decolonizing options. This time it will be used to promote decolonization. On the previous occasion it served to accommodate the interests of the times; but the world has changed and now it accommodates today's interests. Previously, it degraded the mechanism of consent by using it to colonize; now it will be used to decolonize.

To approve the proposed mechanism thus making the Governor's proposal unnecessary is not enough, however. It is absolutely necessary for the Puerto Rican people's approval that other shortcomings in the bill be corrected in order to guarantee equity and balance.

One of the bill's greatest shortcomings is that it is front-loaded in favor of statehood. The bill paints that option in bright but unrealistic colors, while depicting the separate sovereignty

options schematically and in shaded hues --and free association, specifically, unfairly by not endowing it with a minimum of the legitimate claims of its advocates.

In order to correct that imbalance, I suggest that you ask of the various groups in Puerto Rico to submit for your Subcommittee's consideration their preferred definition of the decolonizing option which each advocates.

Now, regardless of the proposals which the various status advocates may submit, the bill must be ammended to tell Puerto Ricans the truth about statehood.

H.R. 3024 gives the impression that Puerto Rico may become a state, keep Spanish as its primary language, and preserve its national identity as a distinct and separate people from the Unites States.

Few have spoken about the issues of language and national identity with greater clarity than the Speaker of the House, Newt Gingrich, primary co-sponsor of this bill. After recently affirming with regard to the American nation that, "our goal is assimilation" and "the sine qua non of our survival," he concluded that "without English as a common language, there is no . . . [American] civilization."

I would also refer you to the words of Senator Daniel Patrick Moynihan (D-NY) who, in 1990, articulated the heart of the problem before the U.S. Senate:

In the end, the great issues before us are civic, not economic. Do Puerto Ricans wish to become Americans? For that is what statehood ineluctably implies. That is what statehood brings. Or do they wish to maintain a separate identity?

This rare bipartisan consensus should suffice to lead you to amend the bill in order to make it patently clear that statehood implies a path of political and cultural assimilation.

In harmony with the above, the section referring to language should also be amended to clearly establish the absurdity of conceiving statehood for Puerto Rico without English as the primary language in the public schools and in the judicial, legislative and executive branches. Not to clarify these crucial matters would perpetuate false and dangerous illusions among hundreds of thousands of fellow Puerto Ricans who still naively perceive no contradiction between statehood and a separate cultural identity.

With regard to the statehood option, it is also necessary for Congress to understand that as long as ours remains a different nationality from that of the United States, the people of Puerto Rico will retain their inalienable right to self-determination and independence -that is, the right to secede. A nation cannot self-determine itself out of self-determination.

Regarding the allegedly decolonizing nature of statehood, I would remind you that, although statehood for Puerto Rico is juridically decolonizing on its face, it is not so in its application. Where nationalities are concerned, federal enfranchisement in and of itself does not result in a colonial people's right of full self-government.

As previously noted, however, the bill is unbalanced, not just because of what it does not say about the true nature of statehood, but also because of the manner in which it describes the separate

sovereignty option. The bill must be amended to correct that flaw.

Let me give an example. The treatment which H.R. 3024 affords the matter of citizenship under free association, as well as the manner in which free trade between the United States and Puerto Rico is dealt with -to mention only two neuralgic issues- constitutes a very serious flaw. Such treatment bears no relation to the present state of the law or to modern-day commercial and economic reality.

As far as independence is concerned, suffice it to say that, in juridical terms, the summary and rigid definition provided in the bill is reminiscent of those found in early 20th century textbooks: correct as regards the basic elements, but incomplete as to the current potential for flexibility and creativity.

As regards the separate sovereignty option, H.R. 3024 is silent as to which modality should be implemented, if that were the prevailing option. I therefore propose that the bill be amended to provide that, upon choosing separate sovereignty, the People of Puerto Rico be convened in a Constituent Assembly to which our nascent sovereignty would be entrusted, and which would, among other things, decide the form of Puerto Rico's sovereignty -free association or independence- to be negotiated with the U.S. Government.

Lastly, I wish to conclude by explaining what to some may appear to be a paradox: why do I so enthusiastically promote a status process definition which could initially lead to an electoral victory for an option other than independence?

The Puerto Rican Independence Party (PIP) firmly believes that, under present and foreseeable circumstances, the road to independence is the road of the "supreme definition" advanced by Dr. Pedro Albizu Campos -"Either Yankees or Puerto Ricans"- and which presupposes a process that engages and confronts the U.S. Congress with the need to put an end to Puerto Rico's colonial condition. If this bill is properly amended, it could become an effective catalyst for that process. On the other hand, there is always the alternative of sitting and waiting for the perfect bill. However, one should not forget that in political processes, valuable aspects often intertwine with pettiness; but to write the bill off as a mere booby trap is no more than an excuse for not confronting Puerto Rico's colonial problem. One should take advantage of the good and improve on the bad; but it would be a disservice to our cause if we were to allow perfection to become an enemy of what is necessary. And it is necessary to move a decolonization process forward.

Sooner, rather than later, Puerto Rico will march towards its own, separate sovereignty, either because Congress responds to our clamor for sovereignty, or because it is forced to confront - because of Puerto Rico- its own supreme definition. Will Congress repudiate the fundamental principle of the American Union, E pluribus unum ("from among many, One"), by admitting a distinct and separate nation as a state of the Union? I haven't the slightest doubt that Congress can only respect the very essence of the one nation it represents.

In 1898, the Founding Father of our Homeland, Dr. Ramon Emeterio Betances, under more difficult circumstances than those confronting us today -16 days before the American invasion- had pointed the way that was closed for so long. He counseled us then: "Deal peacefully [with the Americans] in order to attain independence." Betances, the prophet, spoke a century before his time. For that was the redemptive solution which could not materialize then; and that is the solution -for Puerto Rico as well as the United States- which in light of the new circumstances in our world becomes possible now.

Thank You.

Luis Vega Ramos
President and designated representative
PROELA
Tel. (787) 724-1309

*Summary of Statement to the Subcommittee on Native American and Insular
Affairs of the U.S. House of Representatives Regarding H.R. 3024, the United
States-Puerto Rico Political Status Act*

On November 14, 1993, Puerto Ricans voted for the development of their present status, the *Estado Libre Asociado*, through a "bilateral compact that can only be amended by mutual consent."

The best response to the 1993 plebiscite would be to present a "Bilateral Compact Act" that would define the relationship between the U.S. and Puerto Rico.

However, your response is to call for a new plebiscite and to legally commit the U.S. to enacting its results. Since this is truly a process of mutual-determination, we are willing to consider your proposal, if you are willing to consider our amendments.

In any attempt to structure a plebiscite, Congress has to follow two important principles: Fair Play and Goodwill.

Fair play means that all three status tendencies are presented to the people on equal footing. It does not mean that they look the same, but rather that they are presented as they truly are, taking into account the applicable principles of both International Law and U.S. Constitutional Law and the expressed aspirations of the Puerto Rican people.

Goodwill requires that all status options have the same guarantees in terms of access to the ballot and that the definitions adopted are immune to demagogic manipulations by opposing forces. There cannot be covert manipulations to adversely affect any of the options or actors who represent them.

If Congress acts with goodwill and provides for fair play, you'll have the support of everyone in Puerto Rico. If you don't, you'll not only miss another chance to break the impasse, but you will also make the situation worse.

PROELA

P.O. Box 2864

San Juan, Puerto Rico 00902

Statement of Luis Vega Ramos, President of PROELA, to the Subcommittee on
Native American and Insular Affairs of the U.S. House of Representatives
Regarding H.R. 3024, the United States-Puerto Rico Political Status Act
San Juan, Puerto Rico
March 23, 1996

PROELA is a civic organization that for twenty years has advocated in Puerto Rican, federal and international forums for the development of the current political status within the context of a bilateral association. We took active part in the status plebiscite campaign of 1993.

Today, we come before this Subcommittee on behalf of the hundred of thousands of Puerto Ricans who voted in favor of the *Estado Libre Asociado*.

I. The Duty to Respond

The United States acquired Puerto Rico as a war booty in 1898. Fifty-two years later, Congress approved its last status act, recognizing Puerto Rico's faculty to write and adopt its own constitution and granting a measure of internal self-government.

For the next four decades, Puerto Ricans constantly struggled to attain a larger degree of self-government and a full exercise of self-determination. In November 1993, more than 823,000 Puerto Ricans petitioned the Congress and the President to adopt a "bilateral compact which can only be amended by mutual consent."

We have patiently waited for your answer. Now this Congress is considering H.R. 3024, a bill that would authorize a new plebiscite sometime before the end of 1998, with a choice between two options: 1) a path leading to statehood and; 2) a path leading to separate sovereignty.

The people of Puerto Rico have pushed the envelope as far as we can by ourselves. Now it is time for Congress and the Administration to act rationally, fairly and honestly to solve our mutual dilemma. It is your duty to act now.

II. Fair Play and Goodwill

The U.S. has expressed, domestically and internationally, its commitment to the most basic principles of democracy and self-determination. Government should work by the consent of the governed. We believe that the best response to the 1993

plebiscite would be to present to Congress and the Puerto Rican people a "Bilateral Compact Act" that would define the relationship between the Republic of the U.S. and the Free Associated State of Puerto Rico. Last October, we urged you to consider this alternative. We do the same today.

However, you have chosen a different path. Your response is to call for a new plebiscite and to legally commit the U.S. to enacting its results. Since this is truly a process of mutual-determination, we are willing to consider your proposal, if you are willing to consider our amendments.

In any attempt to structure a plebiscite, Congress has to follow two important principles: Fair Play and Goodwill.

Fair play means that all three status tendencies are presented to the people on equal footing. It does not mean that they look the same, but rather that they are presented as they truly are, taking into account the applicable principles of both International Law and U.S. Constitutional Law and the expressed aspirations of the Puerto Rican people.

Goodwill requires that all status options have the same guarantees in terms of access to the ballot and that the definitions adopted are immune to demagogic manipulations by opposing forces. Also, there cannot be covert manipulations on the part of the sponsor of the vote to adversely affect any of the options or actors who represent them.

If Congress acts with goodwill and provides for fair play, you will have the support and cooperation of everyone in Puerto Rico. If you don't, you'll not only miss another chance to break the impasse, but you will also make the situation worse.

III. The Process

H.R. 3024 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. 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.

You should also make sure that the provisions in Section 5(a)(1) and (2) are harmonized. We agree that the vote should be held in accordance with Puerto Rican

law and that the State Electoral Commission (SEC) should determine voter eligibility. However, we are worried that 5(a)(2) requires the application of federal laws related to the election of the Resident Commissioner. Our main concern is that these laws might impair the authority of the SEC to have final say on voter eligibility. We insist that the SEC have that authority.

Another procedural point is that civic groups, such as PROELA, must have the same rights the political parties do to represent the status options. We are as active on this issue as the political parties, as you well know, so the law should grant us similar rights.

IV. The Free Associated State (or "Estado Libre Asociado") Option

The specifics of what PROELA believes a bilateral compact of association should include were presented to this Subcommittee last October 17, 1995. We now concentrate on how H.R. 3024's offer of a bilateral pact should be improved to comply with International Law and U.S. Constitutional Law criteria and with the aspirations of Puerto Rico as expressed in 1993.

First, the options of Free Associated State, in Spanish "Estado Libre Asociado," and independence should be separated. International Law and the Puerto Rican debate recognizes them as separate options and so should the bill. Not to do so would go against the principles of fair play and goodwill.

Second, the language concerning the U.S. citizenship of Puerto Ricans living on the island upon enactment of the bilateral compact should be identical to the section-by-section analysis of Section 172 of the compact between the U.S. and three former U.N. Trust Territories included in the "Compact of Free Association Act of 1985":

"[a] United States citizen who becomes a citizen of the FAS 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."

In terms of our position regarding citizenship issues in the bilateral compact, we submit a legal paper prepared by PROELA Vice President Raúl Mariani-Franco Esq., that has already been sent to the White House Interagency Working Group on Puerto Rico.

Regarding the other aspects of the Free Associated State offer, we are filing as part of our suggested amendments a ballot text to be included in the law. We are ready to discuss it in detail.

V. The Need for Compromise ... and Action

The Congress is considering H.R. 3024. The Clinton Administration has expressed an extremely clear position with regards to the inclusion of the 1993 plebiscite winning option and the guarantee of Puerto Rican's U.S. citizenship. We agree with the Administration on both counts. This Subcommittee should revise H.R. 3024 to accommodate the President's views.

In order to include and commit all sectors in Puerto Rico, the Subcommittee should revise H.R. 3024 to remove unnecessary diversions, provide for a fair and just process and be willing to commit irrevocably to the results of a congressionally mandated plebiscite. If you are not willing to do that in a plebiscite that includes statehood then, bite the bullet --say so-- and remove it from the list of options.

For almost one hundred years, the Puerto Rican nation has struggled and waited for Congress to fulfill its obligations to us and provide us with a coherent process that ensures a final disposition of the political status issue. We have been ready for all these years. Now it is time to show that you are ready too.

Las generaciones pasadas, presentes y futuras esperan por ustedes. El pueblo de Puerto Rico habló y continúa hablando hoy. La bola está en su cancha.

Muchas gracias.

PROELA
P. O. Box 2864,
San Juan, Puerto Rico 00902
Tel. (809) 724-1309

Suggested amendments on H.R. 3024

After reviewing the text of the *United States -- Puerto Rico Political Status Act (H.R. 3024)*, 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.

We are limiting our suggestions to the substantive and procedural aspects of the bill. However, we should express our concern that the language of section 2 ("Findings") is one that unnecessarily exacerbates ongoing debates in Puerto Rico.

Here are our suggestions:

Section 3

On page 5, line 20; insert after the word "cast" the phrase "unless Congress establishes a different threshold for the statehood option."

Section 4

From line 1 of page 6, to line 16 on page 8: the bill should separate the options of Free Association and Independence. International Law recognizes them as separate options, not variations of one of them.

The new (a)(1) should read:

"(1) A path of Puerto Rican 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 --

"(A) 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 sovereign political entity, except those specifically delegated to the

Government of the United States in the text of the bilateral compact;

“(B) 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, and 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;

“(C) provide for a 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;

“(D) recognize Puerto Rico the power to determine and control its own nationality and citizenship. A United States citizen who 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.¹

“(E) 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;

“(F) 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, but never superior, to the present ones. Individuals will maintain the federal entitlements, such as social security, that they have earned as United States citizens.

“(G) 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.

“(H) treat Puerto Rico as if it were part of the customs territory of the United States in those areas that are beneficial to Puerto Rico and are included within the terms of the bilateral compact.

¹ 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).

“(I) 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 its consent or agreement in accordance to the terms of the compact and the applicable constitutional processes.”²

On page 8, line 17; a separate (2) should be included to define the terms of statehood (as is done in the draft) and a separate (3) to include the terms of independence.

On page 9, line 20; (2)(G) should be amended to include the word “English” between the words “same” and “language”.

On page 10, line 12; insert after the period (.) the following:

“If after the 180 day period has expired, the President has not submitted a plan to Congress, any legislation presented by a Member of Congress which leads to full self-government for Puerto Rico consistent with the terms of this Act and in full consultation with the leaders of the three branches of Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate, shall receive the same congressional consideration outlined in section 6.”

Section 5

On page 14, line 13; Insert before the word “The” the phrase “Not later than 30 days after the President has submitted legislation to the Congress,” and replace the capital “T” with a small “t”.

Section 7

On page 17, line 25; eliminate the word “or” and replace it with a comma (,) and insert after the word “parties” the word “or recognized citizen groups”.

On page 18, line 1; insert after the word “party” the word “ and/or recognized citizen group”.


These are our suggested amendments. We urge the Subcommittee to amend H.R. 3024 to accommodate them.

²This 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).

PROELA
 P.O. Box 2864
 San Juan, Puerto Rico 00902

MEMORANDUM

To: Luis Vega Ramos
 President, PROELA

From: Raul S. Mariani Franco, Esq.
 Vice-president, PROELA 

Re: Bilateral Compact Analysis II -- Viability under U.S. Constitutional and International Law of a dual citizenship arrangement between the federal government and the government of a non-territorial Free Associated State.

Date: February 10, 1996

In view of the fact that on January 30, 1996 Congressperson Nydia Velázquez (D-NY) requested an official opinion from Mr. John Killian, Senior Specialist of the American Law Division of the Library of Congress, on the existence and implications of dual citizenship in the case of the United States, I submit to you the following.

I. The Facts:

The facts pertinent to the instant query are as described in paragraph 3 of Congressperson Nydia Velázquez' letter of January 30, 1996.

II. Issues:

1. Is dual citizenship permitted by the Constitution of the United States?

2. Can there be a dual citizenship arrangement between the Federal government and the government of a non-territorial Free Associated State?

III. Discussion:

Issue 1. There is no prohibition on its face from the text of the Constitution of the United States to the possibility of the citizens of the United States also being citizens of another sovereign state. This means that if such prohibition existed it would had to be found in a Supreme Court opinion or enacted in a Congressional statute.

To this day Congress has never enacted a law prohibiting dual citizenship for U.S. citizens. The only statutory provision that explicitly dealt with dual citizenship, even if it later was repealed was section 350 of the Immigration and Naturalization Act of 1952.

Said section, which dealt with dual citizens at birth, established that if those citizens sought the benefits of a foreign citizenship, they will lose their U.S. citizenship after residing in a foreign country for three (3) years after the age of twenty two (22), unless they took an oath of allegiance to the U.S. Section 350 was repealed in 1978 by P.L. No. 95-432.

The House report on the aforementioned law stated that:

"The primary effect of this section (sec. 350) is to cause needless anxiety among American citizens residing abroad. In addition, it is difficult to administer and has caused confusion within the Departments of State and Justice."

With the repeal of section 350, there is no longer any provision prohibiting the exercise of dual citizenship by U.S. citizens in the U.S. statutes. Since Congress has chosen not to exercise its constitutional authority on dual citizenship, we most turn to the Supreme Court opinions to find out whether there has been found in the Constitution any impediment for the exercise of dual citizenship by U.S. citizenship.

The Supreme Court has recognized the longstanding principle of International Law that "it is the inherent right of every independent nation to determine for itself, and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship." United States v. Wong Kim Ark, 169 U.S. 649, 688 (1898). Therefore it might be possible that a citizen of the United State may be considered a citizen of another country under that country's laws.

This was the case in Kawakita v. United States, 343 U.S. 717 (1951).

In said case the Court stated:

"The concept of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that he asserts the rights of one citizenship does not without more mean

that he renounces the other." Id. at 723-724.

Later, the Court went on to say:

"As we had said dual citizenship presupposes rights of citizenship in each country. It could not exist if the assertion of rights or the assumptions of liabilities of one were deemed inconsistent with the maintenance of the other. For example, when one has a dual citizenship, it is not necessarily inconsistent with his citizenship in one nation to use a passport proclaiming his citizenship in the other." Id. at 725.

The closest the Supreme Court has come to putting some limitations on dual citizenship is found in a two paragraph dictum in Rogers v. Bellei, 401 U.S. 815 (1971). It states:

"There are at least intimations in the decided cases that a dual national constitutionally may be required to make election. In Perkins v. Elg, 307 U.S. 325, 329 (1939), the Court observed that a native-born citizen who had acquired dual nationality during minority through his parents' foreign naturalization abroad did not lose his United States citizenship 'provided that on attaining majority he elects to retain that citizenship and return to the United States to assume its duties'. In Kawakita v. United States, 343 U.S., at 734, the Court noted that a dual national 'under certain circumstances' can be deprived of his American citizenship through an Act of Congress. In Mandoli v. Acheson, 344 U.S. 133, 138 (1952), the Court took pains to observe that there was no statute in existence imposing an election upon that dual national litigant.

These cases do not flatly say a duty to elect may be constitutionally imposed. They surely indicate, however, that this is possible, and in Mandoli the holding was based on the very absence of a statute and not on any theory of unconstitutionality. And all three of these cases concerned persons who were born here, that is, persons, who possessed fourteenth amendment citizenship; they did not concern a person, such as

plaintiff Bellei, whose claim to citizenship is wholly, and only, statutory."

The aforementioned quote only states that Congress might at some time impose a duty to elect to dual citizens. It doesn't say that it has to impose that duty. To this date, Congress has elected not to impose such a duty, in any instance whatsoever.

Even if Congress choose to enact legislation imposing that duty, it would be difficult, if not impossible, to reconcile that legislation with the Supreme Court's opinion in Afroyim v. Rusk, 387 U.S. 253 (1967). This case proclaims the irrevocability of U.S. citizenship of a fourteenth amendment citizen unless there is a voluntary and intentional action by the citizen that constitutes a renunciation. Id at 268.

There is an ongoing debate as to the nature of the U.S. citizenship of the persons born in Puerto Rico. Some say this citizenship is of a statutory nature, while others contend that it is now a fourteenth amendment nature. Even if you accept that it is of a statutory nature, such as plaintiff Bellei's was, the dictum in said case is innaposite to the case of U.S. citizens born in Puerto Rico. Puerto Ricans contrary to Bellei, weren't required to comply with any condition to attain or retain their status as birth citizens.

We agree with Professor José J. Alvarez González' conclusion to the effect that (even assuming that the U.S. citizenship of Puerto Ricans is of a statutory nature) said citizenship is protected by the Due Process Clause of the U.S. Constitution. The law that granted citizenship to persons born in Puerto Rico (39 Stat. 951 (1917)) did so without imposing any conditions for attaining or retaining it.

Accordingly, any enactment of legislation that would strip the persons born in Puerto Rico of their U.S. citizenship would constitute a violation of "long-standing principles of United States constitutional law." Alvarez Gonzalez, J.J., The Empire Strikes Out: Congressional Ruminations on the Citizenship Status of Puerto Ricans, 27 Harv. J. Legis. 308 (1990).

In view of all of the above, we conclude that there is no constitutional impediment to dual citizenship within the U.S. constitutional system. Furthermore, we conclude that there is no statutory prohibition to dual citizenship at this time and Congress has been consistently moving toward the elimination of any possible limitation. See Ortíz Guzman Angel J. El Derecho Constitucional Estadunidense y el Pacto Bilateral entre Puerto Rico y los Estados Unidos, 29 Rev. Jur. UIA 297 at 316 n. 80 (1995):

Mr. Seiberling:

Now, section 172 provides that citizens of Micronesian states not residing in the United States shall be entitled to the same rights and privileges as any other nonresident alien and that they shall be treated as persons within the meaning of the Administrative Procedure Act and the Freedom of Information Act.

But in the section by section analysis of section 172, it is noted, and I am quoting:

"[a] United States citizen who becomes a citizen of a FAS 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."

This doesn't appear pertinent to the subject matter of section 172.

Does this contemplate dual citizenship?

Mr. Berg:

It could contemplate a situation whereby an individual would have both American citizenship as well as freely associated states citizenship. But if a person does acquire American citizenship, or is an American citizen, and has taken no act that would otherwise strip him of his American citizenship, then his rights would be those of an American citizenship versus those of a resident alien, which are the rights spoken to in section 172.

Mr. Seiberling:

But he could also have a dual citizenship?

Mr. Berg:

The United States has a particular position with respect to dual citizenship. Oftentimes, however, an individual act that may or may not be considered dispositive with respect to the continuation of U.S. citizenship continues.

We don't want a situation where a provision of the compact might be construed to strip an American citizen of his rights as citizen

as long as he is a citizen.
'emphasis in citation).

Moreover, the consistency of Congressional actions towards the elimination of any possible limitation as to dual citizenship is quite apparent from two very pertinent examples. First, Congress moved in that direction when as part of the amendments made by P.L. 95-432 (1978) it elected to eliminate sub-part 5 of Section 349 which read:

"Sec. 349 (a) From and after the effective date of this Act a person who is a national of the United States whether by birth or naturalization, shall lose his nationality by-

(5) voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory"

66 Stat. 268 (1952).

The second example was so recently as 1994 when Congress enacted P.L. 103-417 (1994) which, consistent with our interpretation, facilitates the transmission of U.S. citizenship to descendants of a citizen born and living outside the United States. See Addendum #1, Proela, Bilateral Compact Analysis #1.

Issue 2. Having found that there is no prohibition against dual citizenship, then no impediment exists for an arrangement of dual citizenship between the United States and a non-territorial Free Associated State.

Pursuant to contemporary International Law, under a bilateral compact of Free Association, the parties could agree to any citizenship arrangement that they deem appropriate, United States v. Wong Kim Ark, 169 U.S. 649, 688 (1898).

Thus, it seems apparent that the granting of dual citizenship status to persons born in Puerto Rico is a matter of policy making to be addressed by Congress and the Executive Branch, and not a matter of legal or constitutional constraints. A Congressional grant of dual citizenship included as part of a bilateral compact of free association could not be judicially reviewable under the political question doctrine. Marbury v. Madison, 5 U.S. (1 Cranch) 137,164 (1803).

As a matter of fact, federal courts have refrained from reviewing "the policies that underlie the very recognition of another sovereign by our own." Antolok v. U.S., 873 F. 2d 369, 383 (D.C.Cir. 1989).

Furthermore, the Supreme Court has been extremely consistent in finding that "the political question doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch." Japan Whaling Ass'n v. American Cetacean Soc'y, 478 U.S. 221, 230 (1986).

This case follows a consistent line of cases ending with U.S. v. Pink, 315 U.S. 203 (1942) where the Supreme Court explained to further lengths the limitations imposed by the policy making powers of the political branches on the courts. In Pink at 229 the Court underlined that: [the] "authority [of recognition] is not limited to a determination of the government to be recognized. It includes the power to determine the policy which is to govern questions of recognition. Objections to the underlying policy as well as objections to recognitions are to be addressed by the political departments and not to the courts."

IV. Conclusion:

Dual citizenship is permitted by the Constitution and legal practice of the United States and a dual citizenship arrangement is fully possible in a bilateral compact outside of the Territorial Clause of the United States Constitution as a policy determination by the political branches.

THE PREPARED STATEMENT OF ANTONIO J. FAS ALZAMORA, ESQ.

Good Morning Mr. Chairman and members of the Committee:

I appear before you in my personal capacity, even though I have been a legislator of the Commonwealth of Puerto Rico for twenty years, four as a member of the House of the Representatives and sixteen in the Senate, where I am the Deputy Minority Leader of the Popular Democratic Party. From 1985 to 1989, I was Secretary General of my Party, whose founder Luis Muñoz Marin, is the framing father of the Commonwealth of Puerto Rico.

As an active participant in our island's electoral processes to elect our elected officials, as well as in those which pose fundamental issues, such as the status plebiscite, held on November 14, 1993, I want to express to this distinguished subcommittee my strong opposition to this bill, since it attempts against the right of self determination of the People of Puerto Rico. The 1993 plebiscite was a clean process legitimized by the vote of 1.7 million of my fellow citizens; who faithful to their democratic traditions favored the continuation of the Commonwealth status, and rejected statehood and independence. This act undoubtedly is the result of a democratic, free, and voluntary process.

There is nothing more undemocratic and unamerican than to ignore the will of the majority. We learned this from the Framing Fathers of the Constitution of the United States, and we have proudly applied it in our daily lives as an organized society.

The proposal to hold another status referendum, regardless of the options included on the ballot or the definitions of each formula, is an attempt against the democracy and against the decision adopted by most Puerto Ricans, less than three years ago.

The United States proudly boasts about being the custodian of democracy, as zealous guards of the decisions of the people to democratically choose its elected officials and status, and as a defferent of freedom of speech.

It has done so in all five continents, in many nations of this hemisphere. Why, then, is doesn't do the same in Puerto Rico? Not doing so is like reviving the old imperialistic philosophy, to accept an electoral result when it is favorable and to invalidate it when it is unfavorable.

Governor Pedro Rosselló imposed the 1993 status plebiscite, committing himself publicly to accept the results and defend them before the United States Congress on behalf of the People of Puerto Rico. What was done? Nothing. Quite the contrary, he did not respect the results, turned his back to the people's mandate in favor of the Commonwealth, and then appealed before you seeking help to invalidate the plebiscite results, alleging our current status relationship is colonial. Now he is favoring a bill introduced by Congressman Young, a statehood bill.

The United States as a nation and its Congress as an

institution, respects the American democracy. It should also respect, as well, the democracy of Puerto Rico.

You, Congressmen, are the result of a democratic exercise; Governor Rosselló and the Resident Commissioner Carlos Romero Barceló, as well, are a result of a majority with regards status, such an exercise has been engaged in the occasions in 1952, 1967 and 1993.

The Commonwealth status has imperfections, as any political formula might, and needs to move forward toward more autonomy. But, why Congress can not decide to enhance the Commonwealth status as expressed by the people of Puerto Rico? Why should sore losers get it their the way? Being faithful to your democratic beliefs as members of Congress, which you represent today, is respecting the mandate of the People of Puerto Rico and addressing responsibly such will.

Our political relationship is not colonial since July 25, 1952. It was precisely on 1953, when President Dwight Eisenhower affirmed before the United Nations that Puerto Rico had achieved a level of self government under the Commonwealth status, by virtue of which the United States ceased transmitting information on colonial territories.

I ask you, have the conditions changed since then, or you feel a necessity to change the way to govern the Commonwealth of Puerto Rico? Or do you favor statehood over Commonwealth, strictly for political or financial reasons?

If the reason is the first use, the speak clearly and state where are we mistaken so we can fix the problem. If it is the second one, affirm clearly you wish to add a new star to the United States flag, whether it is going to be Puerto Rico or the District of Columbia. Lastly, if the reasoning is economic to favor statehood, I considerly it an injustice, since our people has contributed to the United States as much as it has received. Among the many economic contributions of Puerto Rico to the United States, rank, being one of the top ten markets for United States goods, investments in Puerto Rico generate thousands of jobs in the mainland, and the military bases, which do not pay a cent to the Commonwealth. This represent millions in savings to the United States. Equally has been our significant contributions in the military, Puerto Rican soldiers have fought courageously overseas when call upon to serve America, in every single war and conflict in which the United States has been involved since World War I.

Puerto Rico is a nation which seeks through the Commonwealth status to develop to a higher limit its self Government. This has been recognized by the United States memorandum on the cessation of trasnmitting information with the establishment of the Commonwealth of Puerto Rico. "The people of Puerto Rico have achieved a full

level of self government therefore the government of the United States has decided that is no longer necessary to transmit information with regards to Puerto Rico in light of Article 73 (e) of the United Nations Charter. This conclusion acknowledges the level of self government attained in the Commonwealth. One of the main elements of the Commonwealth Constitution, as ratified by the United States Congress, establishes that the political power emanates from the people and exercised in conformity with its will, as agreed in the compact between the people of Puerto Rico and the people of the United States.

International and national legitimation that the government of the United States gave to the Commonwealth at the United Nations on the fifties and in the following statements before the international community. Likewise, this bill puts you in an uncomfortable position, hard to explain and even harder to understand, because while you recognized the Constitution of the United States as the sovering authority of the American nation, on the other hand you are deat and refuse to accept ours on those same terms. In addition, you are against what yourselves vigorously defended, back in 1953 before the United Nation.

The Young bill is an awesome contradiction, because it is against and rejects our natural condition considering it inferior and colonial, and seeks to change it for another one like statehood which represents the total denial of what the Puerto Rican people have achieve as a country and as a Caribbean nation. That which is promoted by the Young Bill it is, indeed, inferiority.

So, if is a colonial issue, then give a look to statehood, the denial of the Puerto Rican nation, which is the most colonial status option among the others. Our theory, even though it is of the minority, its holding is that the statehood is a political complex of inferiority, which would establish a relationship without dignity. Do you think you can achieve political dignity with seven congressmen, two senators and voting for the President of the United States and also paying federal taxes in exchange for welfare?

That is a very narrow minded vision, way too simplistic. The dignity of the Puerto Rican people, proud of its history, of its struggles and achievements, goes beyond a mere political representation or an economic contribution proportional to the IS treasury in order to enjoy some benefits. It has more to do with our deepest values, with those which give sense and praise our existence as a democratic country, freedom lover and respectful of man's fundamental rights.

The United States is a nation with its own history, language, literature, territory, values, and traditions. Puerto Rico is exactly the same, a nation with its own particular characteristics. Any issue between the mainland and the Island should be clear in

the fact that they are different nations, although associated in a search for a common purpose.

During the last 98 years we have contributed to the American dream. In light of the nature of our political relationship with the United States, you have the legal and moral obligation to contribute to the development of the "Puerto Rico dream" expressed democratically by the majority of our people to address affirmatively the 1993 results, and to enhance the Commonwealth status to the highest degree of autonomy compatible with our permanent relationship with the United States. This way both nations will continue co-existing with the same dignity, just like the way the United States Flag and the Puerto Rican Flag fly next to each other, at the same level. We have a self government, which was born by virtue of the compact agreed by the people of Puerto Rico and the United States, and have entered an era of new developments. The pretensions of the Young bill of denationalizing Puerto Rico through statehood is "like throwing rocks to the moon". The people of Puerto Rico has decided on three occasions when has been confronted with the possibility of becoming something which we are not. To those members with such contemplations, I would ask, do no insist. Congressmen, because the only dignified authority for the majority of the Puerto Ricans is the one which is born and raised from our own entrails. Thank you.

1) PUERTO RICANS VOTED IN 1993 TO CHANGE THEIR STATUS

PUERTO RICANS, REGARDLESS OF WHICH STATUS OPTION THEY CHOSE IN THE 1993 PLEBISCITE, VOTED 100 PERCENT FOR A NEW STATUS. THEY UNANIMOUSLY AGREED THAT OUR CURRENT STATUS AS AN UNINCORPORATED U.S. TERRITORY DID NOT MEET THEIR ASPIRATIONS OF FULL SELF-GOVERNMENT.

WE NO LONGER WANT TO DEPEND ON THE GOODWILL OF CONGRESSMAN AND SENATORS FROM DISTANT STATES BEHOLDEN TO THEIR OWN CONSTITUENCIES AND SPECIAL INTERESTS. WE NO LONGER WANT TO BE SHUT OUT OF WHITE HOUSE POLICY MATTERS AFFECTING OUR ISLAND BECAUSE WE DON'T HAVE ANY ELECTORAL VOTE POWER. WE NO LONGER WANT TO BE CAPITOL HILL SUPPLICANTS, DEPENDENT ON THE LARGESSE OF OTHERS.

WHAT WE WANT IS A VOICE IN OUR FUTURE. A VOICE THAT HAS BEEN DENIED FOR 500 YEARS.

WHAT WE COULDN'T AGREE ON WAS THE APPROPRIATE OPTION TO TRANSFORM THE CURRENT COLONIAL STATUS TO ONE THAT REFLECTED OUR SELF-DETERMINATION GOALS. MUCH OF THE ROOT OF OUR INABILITY TO CHOOSE THE RIGHT VEHICLE FOR SELF-GOVERNMENT WAS, AND IS, CONFUSION AS TO THE CHOICES THAT ARE LEGALLY PERMISSIBLE UNDER THE U.S. CONSTITUTION.

2) CONGRESS RESPONDED TO THE PLEBISCITE'S RESULTS

CONTRARY TO WHAT SOME MAY ARGUE, CONGRESS DID INDEED ADDRESS THE 1993 PLEBISCITE RESULTS. THE RESPONSE SIGNED BY THE FOUR CHAIRMEN OF THE COMMITTEES AND SUBCOMMITTEES RESPONSIBLE FOR PUERTO RICO, CAREFULLY ANALYZED THE PLEBISCITE RESULTS AND THE TESTIMONY GIVEN AT HEARINGS ON THE BALLOT ON OCTOBER 17, 1996. THE RESULT WAS THE BILL NOW BEFORE US.

SHOWING A KEEN KNOWLEDGE OF HISTORY AND CONSTITUTIONAL LAW, YOU HAVE CORRECTLY CONCLUDED THAT THE WINNING FORMULA - ENHANCED COMMONWEALTH - WAS LEGALLY DEFECTIVE IN THAT CONGRESS WAS CONSTITUTIONALLY BARRED FROM IMPLEMENTING MANY OF ITS PROVISIONS INCLUDING THE GUARANTEE OF U.S. CITIZENSHIP AND PERMANENT TIES WITH THE U.S. - PROVISIONS THAT COULD ONLY BE REALIZED THROUGH STATEHOOD.

FORTUNATELY, CONGRESS WITH ITS PLENARY POWERS UNDER THE TERRITORY CLAUSE DID NOT LEAVE THE MATTER STANDING. IT HAS SEEN FIT, UNDER HR 3024, TO DEFINE THOSE STATUS OPTIONS THAT ARE AVAILABLE TO PUERTO RICO AND WHICH CAN BE CONSTITUTIONALLY IMPLEMENTED. THAT IS CONGRESS' RESPONSIBILITY UNDER THE CONSTITUTION AND UNDER THE

TREATY OF PARIS - AND IT IS A RESPONSIBILITY IT HAS ADMIRABLY AND COURAGEOUSLY CARRIED OUT IN PROPOSING THIS LEGISLATION.

YOUR INITIATIVE -WHICH HAS BEEN THE TARGET OF MISPLACED CRITICISM BY SOME- HAS BEEN WELCOMED BY ALL CLEAR THINKING PUERTO RICANS. FOR THE SAME AUTHORITY THAT GIVES RISE TO THIS BILL COULD WELL HAVE BEEN EXERCISED TO UNILATERALLY DETERMINE THE ISLAND'S STATUS AND THAT OF ITS RESIDENTS. NOTHING PREVENTS CONGRESS FROM DECLARING BY FIAT PUERTO RICO'S INDEPENDENCE - IN WHICH CASE OUR STATUTORY AMERICAN CITIZENSHIP WOULD HAVE BEEN REPLACED BY A NEW PUERTO RICAN EQUIVALENT.

YOU HAVE PROVIDED US THE VEHICLE TO EXERCISE OUR RIGHT OF SELF-DETERMINATION WITH A CORRESPONDING CONGRESSIONAL COMMITMENT TO IMPLEMENT THE CHOICE SELECTED. WE HAVE THE OPPORTUNITY TO FULLY AND FINALLY ATTAIN, AFTER 500 YEARS, COMPLETE SELF-GOVERNMENT - EITHER AS AN INDEPENDENT NATION, WITH OUR OWN LAWS AND CITIZENSHIP - OR, AS THE FIFTY-FIRST STATE IN THE UNION, WITH FULL AMERICAN CITIZENSHIP, EQUAL WITH ALL OTHER AMERICANS, AND WITH ALL THE RIGHTS AND OBLIGATIONS THIS STATUS ENTAILS.

GIVEN YOUR COMMITMENT TO IMPLEMENT OUR CHOICE, WE MUST NOT LET INTERNAL RANCOR OR PETTY JEALOUSIES DENY US OR OUR WELL EARNED DESTINY.

3) UNLESS WE ACT ON STATUS, CONGRESS WILL ACT FOR US PERHAPS TO OUR DETRIMENT

HAVING SHOWN IN 1993 THAT COMMONWEALTH OR THE STATUS QUO IS BUT AN IMPERMANENT STATE OF AFFAIRS, THE PEOPLE OF PUERTO RICO HAVE THE OPPORTUNITY TO DETERMINE THE FUTURE STATUS OF THE ISLAND AND ITS RELATIONSHIP, IF ANY, WITH THE U.S..

BUT IF THIS BILL IS DERAILED OR IF FULL SELF-GOVERNMENT IS REJECTED AND THE STATUS QUO PREVAILS - THE REAL LOSERS WILL BE THE PEOPLE OF PUERTO RICO. WHY? WE HAVE A CHANCE TO DETERMINE HOW AND UNDER WHAT CONDITIONS 500 YEARS OF COLONIALISM WILL BE SHED. IF WE DON'T MAKE THIS DECISION FOR OURSELVES THEN WE RUN THE RISK THAT CONGRESS WILL MAKE IT FOR US.

HAVING DECIDED THAT COMMONWEALTH IS TRANSITORY AND THAT PUERTO RICO'S PATH TO FULL SELF-GOVERNMENT IS THE ONLY WAY OF ENDING THE LAST VESTIGES OF COLONIALISM, CONGRESS WILL ACT IF WE FAIL TO EXERCISE OUR RIGHT TO SELF-DETERMINATION.

CONGRESS HAS IT IN ITS POWER, CONSTITUTIONALLY TO DETERMINE OUR STATUS AND OUR CITIZENSHIP. THE TERRITORIAL CLAUSE SPECIFICALLY CONFERS THESE POWERS ON CONGRESS AND IT IS WITHIN ITS AUTHORITY, EVEN ITS DUTY, TO EXERCISE THEM.

WE HAVE IT WITHIN OUR POWER TO CHOOSE TO RETAIN OUR U.S. CITIZENSHIP AND FOREVER CEMENT OUR TIES TO THE U.S. - IN WHOSE

DEFENSE OF DEMOCRACY WE HAVE MADE THE SUPREME SACRIFICE SINCE THE FIRST WORLD WAR. THIS STATEHOOD OFFERS.

WE ALSO HAVE IT WITHIN OUR POWER TO CHOOSE TO BECOME AN INDEPENDENT NATION AND EXCHANGE OUR U.S. CITIZENSHIP FOR A PUERTO RICAN CITIZENSHIP. A PAINFUL DECISION, YET ONE IN KEEPING WITH INTERNATIONAL NORMS.

FINALLY, WE HAVE IT WITHIN OUR POWER TO ABDICATE OUR RESPONSIBILITIES AND CEDE CONTROL TO THOSE WHO PROFIT FROM THE STATUS QUO BY KILLING THIS BILL OR FAILING TO CHOOSE ONE OF THE TWO PATHS TO FULL SELF-GOVERNMENT THIS LEGISLATION OFFERS.

SINCE NO TERRITORY HAS EVER ENTERED THE UNION WITHOUT ITS VOTERS FIRST APPROVING STATEHOOD, OUR OBSTRUCTIONISM, INACTION OR INABILITY TO ACT ON STATUS WOULD CEDE THAT DECISION TO CONGRESS WHICH WOULD OFFER UP, UNILATERALLY, ONE ENFORCED OPTION, INDEPENDENCE.

WHETHER ONE IS FOR INDEPENDENCE OR NOT, FOR STATEHOOD OR NOT, FOR THE STATUS QUO OR NOT, THIS REAL POSSIBILITY PRESENTS ALL THE WORST OF ALL POSSIBLE WORLDS.

A WORLD IN WHICH OUR SLOWLY ERODING RIGHTS UNDER THE U.S. CONSTITUTION WOULD CONTINUE AND PERHAPS ACCELERATE AS CONGRESS FINALLY GETS FED UP WITH OUR UNWILLINGNESS TO DEAL WITH STATUS AND DECIDE TO SETTLE THE MATTER ON THEIR OWN.

A WORLD WHERE OUR FREEDOM TO CHOOSE OUR DESTINY HAS BEEN REPLACED BY CONGRESSIONAL FIAT AND OUR BARGAINING POWER REDUCED TO A SUPPLICANT, ONCE MORE.

THESE THEN ARE THE CHOICES AVAILABLE. STATEHOOD AND U.S. CITIZENSHIP AND THE RIGHT TO PARTICIPATE AS EQUALS IN THE AMERICAN POLITICAL PROCESS. INDEPENDENCE AND PUERTO RICAN NATIONALITY AND CITIZENSHIP. THE STATUS QUO WITH ITS IMPERMANENCE BOTH AS TO POLITICAL STATUS AND CITIZENSHIP.

AND, IF WE CHOOSE THE LATTER, THEN THOSE WHO HAVE BEEN SINGULARLY UNSUCCESSFUL IN 'EXTENDING', 'ENHANCING', 'CULMINATING', AND 'PERFECTING' OUR STATUS WILL HAVE BEEN SUCCESSFUL ONLY IN TRANSFERRING BACK TO CONGRESS PUERTO RICO'S FUTURE.

WE CANNOT ALLOW THIS OPPORTUNITY TO ESCAPE US. WE HAVE IT WITHIN OUR CONTROL TO DETERMINE OUR FUTURE. CONGRESS HAS GIVEN US THE CHANCE, A CHANCE THAT IF ALLOWED TO SLIP AWAY, MAY BE LOST FOREVER.

ARE WE FINALLY OPEN TO THE CHALLENGE THAT THIS BILL HANDS US? OR ARE WE DESTINED TO ALLOW POLITICAL OPPORTUNISM, AND SHORT TERM ECONOMIC INTERESTS TO DEFEAT OUR RIGHT TO SELF-GOVERNMENT?

FOR ONE, I BELIEVE WE ARE UP TO THE TASK CONGRESS HAS LAID OUT FOR PUERTO RICO. IN THIS BELIEF, I ASK ALL PUERTO RICANS TO SUPPORT THIS LEGISLATION AND THEN JOIN TOGETHER AND EXERCISE OUR RIGHT TO SELF-DETERMINATION.

THANK YOU.

TEN-POINT ANALYSIS OF H.R. 3024:

1. Under U.S. law and practice as well relevant resolutions of the U.N. General Assembly, there are three recognized political status options available to the people of territories which have not yet completed the transition from a previous colonial status to full self-government: integration into a sovereign nation, independence, or a sovereign-to-sovereign treaty with another nation consistent with the status of free association. H.R. 3024 provides for a self-determination process through which the people of Puerto Rico can become fully self-governing by approving a change in Puerto Rico's current political status in order to achieve one of the three recognized forms of full self-government.

2. H.R. 3024 bill does not address the proposed changes to the existing "commonwealth" regime as set forth in the "Definition of Commonwealth" presented by the PDP on the 1993 status plebiscite ballot. This is because the alternatives for instituting full self-government are the legitimate subject-matter of a formal self-determination process, rather than mere proposals for legislative measures within the scope of the existing "commonwealth" framework for local government operations while unincorporated territory status continues. Should the voters reject a change of status in favor of a recognized form of full self-government, new or different measures to modify the current "commonwealth" structure for local government administration still can be proposed to Congress. To avoid confusion between legislative proposals to modify the current "commonwealth" structure and the options for a fully self-governing status, Section 5(c)(2) of the bill expressly recognizes that the current "commonwealth" unincorporated territory status will continue in the event voters reject a plan for transition to full self-government proposed in accordance with the act -- subject to the authority of Congress under the Territorial Clause at Art. IV, Sec. 3, Cl. 2 of the U.S. Constitution. **To reiterate in the most clear and straight-forward terms possible: H.R. 3024 is a measure which presents the people with the full range of known options for changing the present status of Puerto Rico to achieve a recognized form of full self-government. The present status of the "Commonwealth of Puerto Rico" as an unincorporated territory under the Territorial Clause is not -- and constitutionally never can become -- a form of full self-government. Therefore, H.R. 3024 does not address the current status, which simply will continue as may be permitted by Congress if Puerto Ricans do not approve a recognized form of full self-government.**

3. Contrary to the newspaper headlines, the Clinton Administration's brief policy statement of March 11, 1996 on Puerto Rican self-determination is not inconsistent with H.R. 3024. Both the Administration spokesman's policy statement and the bill affirm the long-standing bipartisan U.S. position respecting the right of the people of Puerto Rico to choose a future political status which -- upon acceptance by the U.S. Congress -- would transform the "Commonwealth of Puerto Rico" into a recognized form of full self-government based on separate sovereignty or statehood. Both the Administration policy statement and H.R. 3024 also recognize that the voters may prefer to remain a "commonwealth," in which case the status quo will continue based on voter disapproval of a status change. That means continuation of the current unincorporated "commonwealth" territory status under the Territorial Clause. This is why the White House statement is very precise and carefully written to accommodate a result in which the voters' "aspirations for self-determination" can be "fulfilled" by continuation of the current "commonwealth" status quo. It is critical to note that the Administration statement **does not** state that the "aspirations of the people for full self government" can be achieved through a determination by the voters in favor of "commonwealth" status. Nor does the Administration statement make any commitment to changes in the "commonwealth" structure consistent with the "Definition of Commonwealth" on the 1993 plebiscite ballot. This is because the White House knows that the nature of "commonwealth" will still be subject to the authority of Congress under the Territorial Clause until Puerto Rico becomes a state or a separate sovereign nation. Changes or "improvements" to the existing commonwealth status quo are a matter of Congressional discretion, not something that can be achieved through self-determination by the people.

4 The view that the March 11 statement by an Administration spokesman rejected the approach embodied in H.R. 3024 has no basis in the language of the policy statement itself. Only if the Administration asserts that voter approval of the current "commonwealth" unincorporated territory status under the Territorial Clause will constitute full self-government would there be a difference between the Administration position and H.R. 3024. However, as issued by the White House inclusion of "commonwealth" in the Administration statement has the same meaning as recognition of the ability of the voters to reject change in favor of continued "commonwealth" in Section 5(c)(2) of H.R. 3024. Like so much of what has been done for the last four decades by those federal and local officials who have been ambivalent about ending the colonial era for Puerto Rico, the March 11 Administration statement was ambiguous enough to allow all parties in Puerto Rico to read what they want to in the statement. The time for ambiguity is over, and the time for moral courage and intellectual honesty finally has arrived. I call on the Administration to issue a clear statement that full self-government can not be achieved as long as the Territorial Clause applies. It is appropriate to affirm that the U.S. will respect the wishes of the people, but honesty requires that commitment to be understood in the context of the reality that Congress will continue to have the discretion and authority to alter, modify or otherwise dispose of the territory and determine the status of the population in accordance with the Treaty of Paris. Partial application of the U.S. Constitution includes certain rights against fundamental abuses of Federal powers, but that does not secure permanent union, equal legal and political rights or guaranteed citizenship for the inhabitants of the territory. It is deceptive to allow people to believe they are secure in rights which, in reality, can be restricted, modified or even taken away in the future. This will be the case until the transition to self-government that began in 1952 is completed by transforming the "Commonwealth of Puerto Rico" into a nation with separate sovereignty or a state of the union as defined in H.R. 3204. The approval process and voting procedures through which the wishes of the people regarding these options are expressed can vary, and will be determined by Congress in any federally-sanctioned self-determination process. The Administration may have views on the proposed mechanism which differ from H.R. 3024, and that can be debated. But as long as the procedure is one in which the voters understand how to cast a ballot in order to approve a change in the current status, or reject change in favor of preserving the status quo, the process of democratic self-expression will be valid under norms for self-determination.

5. H.R. 3024 recognizes that as long as unincorporated territory status continues the "Commonwealth of Puerto Rico" will not achieve a recognized form of full self-government. Misguided policies intended to establish that unincorporated territory status is consistent with full self-government have failed, despite the best efforts of certain U.S. and Puerto Rican political and commercial interest groups to preserve the status quo out of self-interest at the expense of progress toward a recognized form of full self-government. Such measures as partial extension of the U.S. Constitution under the Insular Cases, the extension of a limited form of U.S. citizenship based on birth in the territory, and the establishment of local constitutional government during the current territorial era have not created a permanent, legally enforceable, or fully self-governing status for the territory and its inhabitants. What one Congress may give to Puerto Rico, a future Congress can take away as long as the Territorial Clause applies. It is dangerous for the U.S. citizens of Puerto Rico to believe otherwise, because even the well-intentioned federal officials who may sincerely wish unincorporated territorial status could become permanent and be based on an enforceable government-to-government mutuality will not be around if and when a future Congress exercises its discretion to gradually or summarily alter, modify, amend, reduce, restrict or eliminate the legal rights and political status the territorial population has come to take for granted at their own peril. We should never forget that under U.S. constitutional law Puerto Ricans continue to be classified legally as "inhabitants" of a "territory" of which Congress may "dispose" through the exercise of its "plenary power" over unincorporated "possessions" such as the "Commonwealth of Puerto Rico." Puerto Ricans have "civil rights and political status" conferred at the discretion of Congress under Article IX of the Treaty of Paris.

6. Although the United States ceased transmitting information to the United Nations in 1953 based upon adoption of a local constitution approved by Congress and the inhabitants of the territory, Puerto

Rico has not been fully integrated into the United States. Nor does Puerto Rico exercise the necessary indicia of separate sovereignty and nationality to constitute free association. The historical and legal record which supports this conclusion includes the fact that both before and since local constitutional self-government was instituted the legal, political and citizenship status of the population of Puerto Rico has been determined unilaterally by the U.S. Congress, a national legislative body in which the people of the territory have no voting representation. The legal and political status of the population provided and continued at the discretion of the U.S. Congress does not include equal rights with other U.S. citizens in the states, is a limited form citizenship which is not guaranteed, and the political status of the "Commonwealth of Puerto Rico," still an unincorporated territory, is not permanent. Although the principle of consent was respected in establishing the local constitution in that the voters of the territory gave approval, the constitution was authorized, approved and amended by Congress. The Federal courts have interpreted the "Commonwealth of Puerto Rico" structure for local constitutional self-government as merely a delegation of Congressional authority over local affairs pursuant to the Territorial Clause of the U.S. Constitution. In addition, both the 1961 "Kennedy Memo" on Puerto Rico's status, and the "Bush Memo" of 1992, the most recent formal Presidential policy document relating to Puerto Rico's status, explicitly state that the authority of the local constitutional government is limited to "internal affairs and administration" at the territorial level.

7. Numerous acts of Congress and Federal court decisions applicable to Puerto Rico establish beyond doubt that the attempt to establish a commonwealth status during the current territorial era based on mutual consent has failed both legally and politically, and has not resulted in decolonization. Contrary to recent dangerously misleading statements by certain federal and territorial officials, the precedent of the Northern Mariana Islands and Guam territories, as well as free association for Micronesia, Palau and the Marshall Islands, make it clear that the attempt to carve out a status falling somewhere between permanent union and separate sovereignty -- the so-called best of both worlds solution -- is doomed to failure due to the purposeful design of the framers of the U.S. Constitution. The boundaries of the possible have been established, and the bottom line is this: a non-state area under U.S. sovereignty is subject to the Territorial Clause and a pact based on the principle of consent or mutuality is not legally enforceable to the extent that such an area can become fully self-governing. As to free association, creative arrangements are possible as the Micronesian treaties demonstrate, but with separate sovereignty there is separate nationality and citizenship. Liberal alien immigration policies have been provided but not dual citizenship, and the relationship is not permanent or binding, but rather is terminable at will on the same terms by either government.

8. The preceding discussion reminds us that the current nationality and citizenship status of Puerto Ricans under 8 U.S.C. 1402 does not arise under the 14th Amendment of the Constitution based on birth or naturalization in the United States. Like the previous status of "citizens of Puerto Rico" under the Foraker Act, the current U.S. citizenship of the people of Puerto Rico is a statutory arrangement which was conferred at the discretion of Congress under the Territorial Clause and does not arise from an exercise of sovereign self-determination by the people of Puerto Rico. The current limited and less-than-equal U.S. citizenship status of people born in Puerto Rico during the territorial period was prescribed by Congress to implement U.S. sovereignty and nationality established under Article IX of the Treaty of Paris. It is easy for those with constitutionally guaranteed citizenship rights in the U.S. to insist that Congress could only restrict or eliminate the current citizenship status based on birth in Puerto Rico if there were some compelling Federal purpose which satisfied the due process equal protection test. These "friends of Puerto Rico" are simply missing the point that Puerto Ricans want the same rights as other U.S. citizens, and will stand for nothing less if Puerto Rico is to remain within the U.S. political system. Of course, if Puerto Ricans choose separate sovereignty Puerto Rico will control its own nationality and citizenship status, and U.S. nationality and citizenship will end on terms prescribed by Congress. A legal analysis of the Congressional Research Service dated November 15, 1990, has been cited by those who argue that U.S. citizenship can not be lost without the consent of the people of Puerto Rico. That is not what the CRS opinion concludes. Rather, the memo points out that as long as Puerto Rico remains an unincorporated territory Congress must have a legitimate purpose that would justify

termination of U.S. citizenship. However, the memo explicitly recognizes that the "possibility of revocation in the event of independence" would not involve the same difficulty of identifying a "legitimate reason" for ending U.S. citizenship for those who acquired it during the territorial period based on being born in Puerto Rico (See, CRS Document on "Questions in re Citizenship Status of Puerto Ricans," November 15, 1990, p. 4). A vote for separate sovereignty would be consent by the people to withdrawal of U.S. nationality and citizenship, and majority rule would prevail and affect the entire population unless Congress provided otherwise. The concept of mass dual citizenship is a fantasy which will never come true. As discussed below, Congress will never agree to dual citizenship because it is incompatible with and would undermine both U.S. and Puerto Rican sovereignty.

9. The self-determination procedure proposed by H.R. 3024 very simply asks the people concerned which of the paths to full self-government would be preferred, and then requires the U.S. Congress -- after failing to do so during a century of colonial rule -- to inform the people of the specific terms under which the Congress would be willing to approve the preferred future political status constituting full self-government outside the Territorial Clause. If the voters do not accept, agree with or approve the terms offered by the U.S. Congress for achieving the recognized form of full self-government preferred by the population, the power to preserve the status quo by rejecting the U.S. offer remains with the people under the terms of H.R. 3024. Voting on the option of preserving the status quo would be redundant, because the status quo is what Puerto Rico automatically will get if the voters reject change. While expressly including the option of preserving the unincorporated territory status quo on the ballot would not be legally objectionable, it is not required or even relevant to the choice between the three recognized forms of full self-government. In the history of post W.W. II decolonization, the norm has been for non-self-governing people to choose between the recognized forms of full self-government, and remaining in colonial status generally has not been an option which needed to be included on a self-determination ballot in most cases. For example, in U.S. decolonization practice the voters in the Northern Mariana Islands, the Federated States of Micronesia, Palau and the Republic of the Marshall Islands were not given the option of remaining in a non-self-governing status under the U.N. trusteeship system.

10. Similarly, there is no logic or purpose in voting again on the changes to the status quo which were proposed under "improved" or "enhanced" version of the "Definition of Commonwealth" as presented on the 1993 ballot. For as long as the "Commonwealth of Puerto Rico" remains an unincorporated territory such changes will be at the discretion of Congress rather than something that can be implemented through an exercise of sovereign self-determination by the people of Puerto Rico. Again, only the options for full self-government are the legitimate subject matter for a valid act of self-determination in which the U.S. Congress would agree to recognize an exercise of the inherent sovereignty of the people of Puerto Rico as the basis for decolonization for the first time in 500 years. A vote to remain in the present colonial status has little value or meaning in the context of a process intended to determine if the U.S. and Puerto Rico will be able to agree on a process for democratically instituting one of the recognized options for full self-government. H.R. 3024 represents the most authoritative and definitive proposal regarding the status of Puerto Rico formally introduced by a Member of Congress since the Treaty of Paris was taken up by the Senate almost 100 years ago. As a matter of constitutional and international law, this bill goes beyond the proposals considered by Congress in 1991 because it recognizes that a vote to preserve the status quo and continue unincorporated territory status will never resolve Puerto Rico's status permanently, and that continuation of the present "commonwealth" status is what will occur automatically and by default if the people of Puerto Rico are not yet ready for full self-government. Having said that, if Congress chose to include some ballot provision relating to continuation of the present status it would not be wrong to do so as long as it is made clear that the unincorporated commonwealth status is not a form of full self-government and is not a path to decolonization.

AUTHORITIES, CITATIONS AND COMMENTS IN SUPPORT OF PRECEDING ANALYSIS:

I. INTERNATIONAL STANDARDS FOR SELF-GOVERNMENT

As a party to the Charter of the United Nations, the United States has administered its territories and possessions in the context of the U.N. decolonization process. In addition to Article 73 and other provisions of the U.N. Charter relating to termination of the non-self-governing status of people in territories governed by administering powers, Resolution 2625 (XXV) of October 24, 1970 is the most recent relevant General Assembly measure comprehensively addressing the framework for completing the transition from a previous colonial status to a recognized form of full self-government. Preceding measures included G.A. Res. 1541 and G.A. Res. 1514 of 1960. The three status options of independence, integration or free association set forth in Section 4 of H.R. 3024 are consistent with these U.N. measures and previous U.S. practices relating to decolonization.

Although the U.N. General Assembly adopted Res. 748 (VIII) in 1953, recognizing that Puerto Rico had achieved a new constitutional status, and accepting the U.S. determination to stop transmitting information to the U.N. regarding Puerto Rico, in 1996 it is clear that the new constitutional status instituted in 1953 has not led to full self-government consistent with integration, independence or free association. As an unincorporated territory Puerto Rico has not been integrated into the United States, including citizenship with equal civil and political rights or full participation in the constitutional process of government. The legislative history of the 1950 revisions of the Puerto Rico Federal Relations Act authorizing a commonwealth constitution make it clear that full integration was not contemplated or intended.

For example, Congressional policy documents included in the Historical and Statutory Notes at 48 U.S.C. 731b explicitly state that establishment of a local constitution and commonwealth structure of government "...would not change Puerto Rico's fundamental political, social, and economic relationship to the United States." Notwithstanding the language in 48 U.S.C. 731b "...fully recognizing the principle of consent" and adopting a federal-territorial relationship "...in the nature of a compact," House Report No. 2275 cited at 48 U.S.C. 731b states that the Congress retains authority over Puerto Rico's political, social, and economic relationship to the U.S., including application of laws enacted by Congress and Federal judicial jurisdiction in Puerto Rico, and the point is driven home by the statement that the provisions of the earlier organic laws governing the territory repealed upon the establishment of the commonwealth were limited to "...matters of purely local concern" (48 U.S.C. 731b Historical and Statutory Notes)

It is difficult to reconcile the contents of the Congressional measures defining the nature of the commonwealth structure for local government with the representations made by U.S. diplomats in the United Nations in 1953, except to note again that G.A. Res. 748 was adopted in 1953 prior to the establishment of recognized criteria for full self-government under the later relevant U.N. resolutions adopted in 1960 and 1970, as discussed above. Nevertheless, the conclusion seems inescapable that the U.S. representatives in the U.N. and the foreign government representatives who accepted the U.S. decision to stop reporting on Puerto Rico did not have a meeting of the minds on the nature of the internal U.S. constitutional law governing the status of unincorporated territories subject to the Territorial Clause, even after local constitutional government is established.

Perhaps the only explanation based on the assumption that all parties were acting in good faith is that the U.N. accepted that with the establishment of constitutional self-government Puerto Rico no longer was in the category of completely non-self-governing peoples, and that the general expressions regarding adherence to the principle of consent satisfied all concerned at the time that Puerto Rico actually had achieved a post-colonial status. With the blush still on the new constitutional arrangement, the parties may sincerely have believed it to be true.

This also explains why the U.N. has accepted the U.S. position to suspend reporting on the Commonwealth of the Northern Mariana Islands based on establishment of an unincorporated territory status consistent with the Puerto Rico commonwealth model. This suggests that once the people of an unincorporated territory have freely expressed a preference to be integrated into the U.S. and a new local constitutional status has been established, the U.N. will accept suspension of reporting by the Administering Power with sovereignty over the previously non-self-governing area. It really does appear that the U.N. is not overly concerned about the reserved authority of Congress under the Territorial Clause, or the fact that as long as the Territorial Clause is in effect the formal process of full integration leading to full self-government has not been completed.

Perversely, the fact that the U.N. accepted the U.S. decision to suspend reporting in 1953 based on the establishment of local constitutional government is cited by supporters of the current "commonwealth" status as evidence that Puerto Rico is fully self-governing. To the contrary, if the U.S. were to adopt the position that the current unincorporated "commonwealth" status has become permanent, then there arguably would be a basis for the U.N. to request the U.S. to resume reporting on Puerto Rico due to the fact that equal legal and political rights have not been extended to the people of Puerto Rico. Certainly, if the Clinton Administration were to assert that unincorporated "commonwealth" status constitutes full self-government and that the decolonization process has been completed on the basis of the status quo, that would fall short of U.N. standards for terminating the non-self-governing status of previously colonial areas.

It is precisely for this reason that the March 11 White House statement reiterated the U.S. position that the people of Puerto Rico still have a right to self-determination. If the U.S. could sustain the argument that unincorporated "commonwealth" status constitutes full and complete integration, or that the people of an unincorporated territory can be viewed as fully self-governing and decolonized, there would be no requirement to recognize the right of the people to change their status through an additional self-determination process.

Still, there are those who suggest Puerto Rico has achieved a degree of "distinct" sovereignty, quasi-nationality or *de facto* free association under the Puerto Rico Federal Relations Act. But this view is predicated only on ambiguities associated with the establishment of local constitutional government, and is categorically nullified by the fact that U.S. sovereignty and constitutional supremacy continues. In addition, under U.N. and international legal practice to which the U.S. has adhered in its free association treaties with Pacific island nations a free association status must be terminable by both governments party to the treaty on the same terms (See, J. Crawford, *The Creation of States in International Law*, University of Adelaide, Australia (1979)). Since the constitutional government of "Commonwealth of Puerto Rico" does not have the authority to terminate or "dispose" of its relationship with the U.S. in the same manner that Congress may do so under the Territorial Clause, this is just one of the several criteria for free association which are not satisfied by the existing "commonwealth" arrangements. Thus, there is no plausible argument that Puerto Rico acquired sufficient sovereignty under the Puerto Rico Federal Relations Act or the local constitution to consider the current status as the result of a "bilateral pact" to which the U.S. Congress is bound, or which is unalterable without consent by Puerto Rico. The current Spanish language translation for "Commonwealth of Puerto Rico" may imply "free association," but that is just a symptom of the pathology of the current colonial status.

There have been some highly irresponsible and misleading statements made recently about the nature of free association between the U.S. and the three Pacific island mini-nations, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau. Specifically, it has been asserted that the citizens of these nations have dual U.S. citizenship. This is false. Under Section 141 of U.S. Public Law 99-239 the citizens of the free associated states under the Compact of Free Association have separate nationality and citizenship. These free associated states citizens are treated as aliens under U.S. immigration and nationality laws. The Compact of Free Association grants a limited and temporary waiver of visa requirements to enable Micronesian citizens to enter the U.S. for fifteen years. However, this waiver expires in five years and Congress has discretion to renew or terminate the ability of

this class of aliens to enter without a business or visitor visa, and any time spent in the U.S. during the fifteen year waiver period does not count for naturalization purposes.

After 2001, the citizens of the Pacific island free associated states can be required by Congress to be treated the same for travel and immigration purposes as citizens from every other foreign nation. This clarifies that U.S. legal practice relating to free association is based on the determination by Congress that separate sovereignty requires separate nationality and citizenship. The formulation of nationality and citizenship options under the separate sovereignty scenario defined in Section 3(1) of H.R. 3024 is consistent with the Micronesian free association legal precedent, and the practical requirements of U.S. immigration and nationality law which make this approach an inevitable result of separate sovereignty.

This would not be something the U.S. would be doing to the people of Puerto Rico. It is something the people would be doing to themselves if they chose separate sovereignty, and it is imperative that this be made very clear so that the misinformation that has been disseminated in the past does not mislead the voters about what the real consequences will be if they vote to separate from the United States. For under a separate sovereignty scenario the allegiance, nationality and citizenship of the inhabitants of the territory and those whose U.S. citizenship is based on birth in the territory during the colonial period will be transferred to the new sovereign, just as it transferred from Spain to the United States under Article IX of the Treaty of Paris. This is by operation of international law and U.S. legal and historical precedent, including the transition regarding U.S. nationality held by citizens of the Philippines when separate sovereignty was proclaimed by President Truman in 1946 (See, 22 U.S.C. 1394).

Of course, the prospect of losing U.S. nationality and citizenship only arises if the voters decide they do not want to be under U.S. nationality. Renouncing U.S. nationality and citizenship and demanding to keep that status is an absurd notion. Those who want to have it both ways need to recognize that H.R. 3024 is entirely consistent with the legal practice of the U.S. and the international community in these matters (See, American Insurance Company v. Canter, 26 U.S. (1 Pet.) 511, 542 (1828); United States ex rel Schwarzkopf v. Uhl, 137 F. 2d 898, 902 (2d Cir. 1943); O'Connell, The Law of State Succession 246 (1956).

In addition to the clear legal precedents on citizenship, one of the clearly established requirements of a status consistent with free association is that the neither sovereign government may have undue power or ability to interfere in the other's internal affairs. As the Department of Justice noted in its February 1991 testimony on S. 244, the "Puerto Rico Status Act," mass dual citizenship under a separate sovereignty scenario, including free association or independence, "...potentially could lead to significant United States intervention in Puerto Rican affairs in the exercise of the President's responsibility to protect the safety, rights, and welfare of U.S. citizens abroad." No doubt current Administration officials would dismiss the idea that the President would ever act in a manner inconsistent with Puerto Rican national sovereignty if Puerto Rico were to become independent or enter into a free association status, but Puerto Rican willingness in 1996 to leave these matters within the discretion of the U.S. President and Congress may have consequences in 2075 which can not be imagined at this time.

If Puerto Ricans are serious about independence or separate sovereignty, then they owe it to their grandchildren to ensure that Puerto Rican nationality will be respected as a matter of right under international law rather left to the discretion of other nations, including the U.S. as the nation which would be the former colonial power if the voters choose a separate sovereignty option. If Puerto Ricans are not ready to go down that road, then the only other way to secure human rights and dignity is through a sovereign act of the people through which the Commonwealth of Puerto Rico takes its place alongside the other commonwealths and states which are full and equal sovereign states permanent in the union under the constitution, with guaranteed and permanent U.S. nationality and citizenship.

Those who continue to suggest that the Covenant to Establish the Commonwealth of the Northern Mariana Islands (U.S. Public Law 94-241) somehow sets a precedent for a bilateral pact which is enforceable on a government-to-government basis need to understand that the international law and

constitutional basis for the CNMI Covenant is fundamentally different than that which governs Congressional measures relating to Puerto Rico. For the U.S. adopted a negotiating procedure and entered into the agreement with the Northern Mariana Islands in a manner consistent with the fact that the U.S. did not have sovereignty over the Northern Mariana Islands during the period of U.N. trusteeship prior to implementation of the CNMI Covenant. The Territorial Clause did not apply in the case of the Northern Mariana Islands until the CNMI Covenant entered into force based on a U.N. observed act of self-determination in which the non-U.S. citizens approved entering into the status of an unincorporated territory. Because U.S. sovereignty and the Territorial Clause were to be extended to the CNMI under the agreement, it was approved by the U.S. Congress in the form of a joint resolution passed by a majority vote in both Houses of Congress instead of being ratified by the Senate in the conventional treaty approval procedure.

The meaning of these significant legal and constitutional factors has been recognized by the Federal courts, including the U.S. Claims Court which observed that:

"The United States has not administered the Trust Territory [including the Northern Mariana Islands] under the authority conferred in Article IV, Section 3, concerning regulation by Congress of territories or other property belonging to the United States." 6 Cl. Ct. 441, 456 (1984)

When the voters in the Northern Mariana Islands approved the CNMI Covenant that act of self-determination process was accepted by the U.N. as a basis for the U.S. to stop transmitting information about the CNMI as part of the former Trust Territory. This was because the choice of the voters in favor of integration into the U.S. was understood to be a choice in favor of U.S. sovereignty. However, as in the case of Puerto Rico, the vote for integration and establishment of local constitutional government has not resulted in completion of the process of integration for the CNMI. The CNMI has the same basic model of unincorporated "commonwealth" territory status as Puerto Rico, except that the CNMI mutual consent provision is far stronger than the "principle of consent" language in the Puerto Rico Federal Relations Act. As discussed below, that arrangement is subject to the authority and discretion of Congress under the Territorial Clause.

The preceding discussion makes it clear that Puerto Rico has not achieved a recognized form of full self-government consistent with integration, free association or independence. It therefore is ironic that H.R. 3024 has become a lightning rod for criticism in Puerto Rico precisely because it comes closer than any previously proposed federal or territorial government measure to defining the bedrock legal and political realities facing the U.S. and Puerto Rico with respect to self-government and the future political status issue. After nearly a century of mutual U.S. and Puerto Rican acquiescence in an impermanent, imperfect and incomplete political relationship based on legal ambiguities, the gates to the only real paths to full self-government have been thrown open by H.R. 3024.

II. THE NATURE OF COMMONWEALTH UNDER THE TERRITORIAL CLAUSE

To understand why the straightforward approach of H.R. 3024 has generated so much debate, it is important to realize that for over forty years inventive but unsustainable status theories have been advanced by those federal officials, Puerto Rican leaders and corporate interests who have benefited from preservation of the present order. Too often Puerto Ricans have been asked to pretend that tax exemptions justify separate and unequal treatment in the U.S. legal, political and economic system. Too often residents of the territory have allowed themselves to pretend that their status is "special" and "unique," when it actually is just colonialism dressed up and masquerading as local autonomy. Too many of us have been seduced into believing we should be grateful for what we have, and that this is the best of both worlds, when it actually is the most insidious form of colonialism for the very reason that it has been made to seem comfortable, permanent and safe when it is not.

The view which idealizes the current status is nothing more than a collective shared fantasy that Puerto Rico's colonial condition and the second-class citizenship status established in 1917 actually constitutes a permanent status based on mutual consent. Our current status exists at the discretion of Congress. After four decades of being subject to laws passed by a national legislature in which we have no voting representation, we know that there is no real mutuality or permanence in the "Commonwealth of Puerto Rico" territorial status.

This reality was already obvious, but it has been confirmed once again by a July 28, 1994 U.S. government legal opinion. In a memorandum of law and policy from the Deputy Assistant Attorney General of the United States in the Federal Department of Justice to the Clinton Administration's Special Representative on Guam Commonwealth negotiations, the following statement is made regarding mutuality and the principle of consent in the case of Puerto Rico:

"The Department [of Justice] revisited this issue in the early 1990's in connection with the Puerto Rico Status Referendum Bill in light of Bowen v. Agencies Opposed to Soc. Sec. Entrapment, 477 U.S. 41 (1986), and concluded that there could not be an enforceable vested right in a political status; hence the mutual consent clauses were ineffective because they would not bind a subsequent Congress." DOJ Memo, footnote 2, p. 2.

The Department of Justice memo goes on to state that inclusion of a ballot option in a political status plebiscite in the form of "an unalterable pact predicated on the principles of consent and mutuality "...would be misleading," and that "...honesty and fair dealing forbid the inclusion of such illusory and deceptive provisions..." in a statute or agreement creating a commonwealth structure for constitutional government in an unincorporated territory. The memo also states that unalterable mutual consent pacts "...raise serious constitutional issues and are legally unenforceable." Finally, the Justice Department memo opposes formulation of a status option in a self-determination process sponsored by the Congress based on the notion of unalterable mutuality or a binding consent requirement "...unless their unenforceability (or precatory nature) is clearly stated in the document itself."

Curiously, the Department of Justice memo states that it intends to honor the principles of consent and mutuality in the case of the Commonwealth of the Northern Mariana Islands (CNMI) as a matter of policy since the CNMI Commonwealth Covenant contains an express mutual consent clause. Even if Department of Justice officials had the authority to honor a provision it has determined to be "legally unenforceable," this meaningless gesture is irrelevant because the Federal courts already have ruled in U.S. ex rel. Richards v. De Leon Guerrero, C.A. 9 (N. Mariana Islands) 1993, 4 F. 3d 749, that Congress can intrude into local CNMI affairs in a manner inconsistent with the plain language of the CNMI Commonwealth Covenant. Even though the CNMI is internally self-governing under the terms of the Commonwealth Covenant and Congress agreed in 1976 not to act inconsistent with that status without consent, in the Guerrero case the Court of Appeals ruled that a Department of the Interior audit of local government tax returns and regulation of purely local budget matters did not unduly affect the right of local self-government.

Instead of respecting the CNMI Commonwealth Covenant as an unalterable bilateral pact in accordance with its terms, the court treated the 1976 CNMI status agreement as a statute enacted by Congress pursuant to the Territorial Clause. While recognizing that the statute defines the relationship between the "commonwealth" and the Congress and provides limits on the ability of Congress to change the relationship, instead of treating these limits as unalterable and enforceable, the court adopted a balancing test between the right of mutual consent with the authority of Congress to protect and promote Federal interests. The words of the Ninth Circuit Court of Appeals can best tell the story:

"Even if the Territorial Clause provides the constitutional basis for the Congress' legislative

authority in the commonwealth, it is solely by the Covenant that we measure the limits of Congress' legislative power...the United States must have an identifiable federal interest that will be served by the relevant legislation...At the center of this dispute, however, is the...sentence...limiting the United States' legislative authority 'so that the fundamental provisions of this Covenant...may be modified only with the consent of the... Government of the Northern Mariana Islands.' The Governor asks us to read this provision...as carving out an area of 'local affairs' immune from federal legislation. We decline to adopt such an expansive interpretation of the...mutual consent provision...we think it is appropriate to balance the federal interest to be served by the legislation at issue against the degree of intrusion into local affairs." U.S. v. De Leon Guerrero, 4 F. 3d 749 (1993)

Translation: Congress can not bind a future Congress to an unalterable pact based on mutual consent. Pedantic ideologues pretending to be constitutional and international legal scholars can delude themselves and the public by playing clever word games about these issues, but the result will be the same as long as the Territorial Clause applies.

The same result applies to Puerto Rico under the Supreme Court case Harris v. Rosario, 446 U.S. 651 (1980). The legal and political meaning of the U.S. Supreme Court ruling in Harris was followed and more fully revealed in the opinion of the U.S. Court of Appeals for the Eleventh Circuit in the case of U.S. v. Sanchez, 992 F. 2d 1143. Describing the "Commonwealth of Puerto Rico" structure for local self-government under the Puerto Rico Federal Relations Act as merely a limited and discretionary delegation of Congressional authority under the Territorial Clause, the Court, quoting from 831 F. 2d at 1176, found that:

"With each new organic act, first the Foraker Act in 1900, then the Jones Act in 1917, and then the Federal Relations Act in 1950 and later amendments, Congress has simply delegated more authority to Puerto Rico over local matters. But this has not changed in any way Puerto Rico's constitutional status as a territory, or the source of power over Puerto Rico. Congress continues to be the ultimate source of power pursuant to the Territory Clause of the Constitution.' Congress may unilaterally repeal the Puerto Rican Constitution or the Puerto Rican Federal Relations Act and replace them with any rules and regulations of its choice." U.S. v. Sanchez, 992 F. 2d 1143 (1993)

Just as the Ninth Circuit Court of Appeals recognized in the Guerrero case that the Territorial Clause is the constitutional basis for the CNMI commonwealth pact, the Eleventh Circuit opinion in Sanchez makes it clear that the notion of an unalterable bilateral pact based on an enforceable principle of consent and mutuality for Puerto Rico will and ultimately must fail. There is no reason to believe that the "fiscal autonomy" element in the "Definition of Commonwealth" on the 1993 plebiscite ballot in Puerto Rico would fare any better under the "unalterable bilateral pact" which was proposed in that ballot option than "internal self-government" has under the CNMI pact. As long as the "commonwealth" remains an unincorporated territory, the Federal courts be hard pressed to overturn any act of Congress which are consistent with a legitimate federal purpose.

During inconclusive Congressional consideration of Puerto Rico status legislation in 1991, the former Secretary of Justice of Puerto Rico attempted to argue that random language in the case of U.S. v. Quinones, 758 F. 2d 40, (1st Cir. 1985) supports the expansive view of commonwealth as something more than unincorporated territory status. In response the Department of Justice submitted written statements to the GAO rejecting the court's comments in Quinones as "dictum" which was not part of the actual ruling in the case. It was also pointed out that the court in the Quinones case upheld a statute which altered the Puerto Rican Federal Relations Act without mutual consent. See, Appendix IV, GAO/HRD-91-18, The U.S. Constitution and the Insular Areas, April 12, 1991 letter to GAO from Assistant Attorney General of the United States. Thus, reading the Quinones case as a defining or authoritative case with respect to the nature of the current "commonwealth" status is just another attempt to perpetuate ambiguity and deny the colonial nature of the status quo.

Puerto Ricans know this by now. For even though they have a measure of local constitutional self-government, it has been modified by federal law to which they did not consent. The status and rights of Puerto Ricans under federal laws and policies regulating local economic and social affairs are determined by a Congress in which they should have seven voting members, and by a President who should need the vote of the residents of the island to be elected. Those who have sought to advance Puerto Rico's political evolution by pretending that Puerto Ricans have justice, equality, mutuality and self-government when they do not have these rights are merely the defenders of an anti-democratic status quo.

The more hysterical the cries of opposition to this bill, the more shrill, absurd and hyper-technical the arguments against the definitions of full self-government under the bill, the more clear it becomes that this proposal has shattered the myth that full self-government was achieved in 1952 by a sleight-of-hand. Liberty and equality under a system of full self-government is not something a people can misappropriate through cleverness, it is not something that can be stolen when the colonial power is not looking, it is not something we achieve without effort and pain.

The genie is now out of the bottle, all the world can see that the Emperor has no clothes. H.R. 3024 exposes the naked truth that Puerto Rico can not have separate sovereignty and nationality and at the same time enjoy permanent union and guaranteed citizenship. Puerto Rico can not be a nation-within-a-nation. The honor and dignity of the Puerto Rican people as individuals rather than a body politic demands that the people do the hard work and make the difficult choices required to achieve full self-government in the second century since monarchy was ended in Puerto Rico. Puerto Rican self-determination must be understood as a collective act of individuals seeking freedom, equality and democracy, not a rally or celebration of unity by members of a political party.

If Puerto Ricans are to become a separate nation they need to separate from the U.S. and establish a government-to-government relationship based on real mutuality and autonomous authority and responsibility the same way other societies in our region have separated from former colonial powers. If Puerto Ricans are to achieve a permanent and equal status as a sovereign state in union with the U.S. under the national constitution, then they need to rise to the occasion offered by H.R. 3024.

Either way, Puerto Ricans need to take control of their destiny and commit themselves to the legal, political, economic and cultural imperative of becoming fully self-governing. This is not a drill, this is not a game. This is for real, the time for pretending is over. The people of this island homeland need to set aside party affiliation and stand up as individuals to redeem their sacred honor by ending the colonial regime.

U. S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D. C. 20530

July 28, 1994

MEMORANDUM FOR
THE SPECIAL REPRESENTATIVE
FOR GUAM COMMONWEALTH

From: Teresa Wynn Roseborough *TR*
Deputy Assistant Attorney General

Re: Mutual Consent Provisions in
The Guam Commonwealth Legislation

The Guam Commonwealth Bill, H.R. 1521, 103d Cong., 1st Sess. (1993) contains two sections requiring the mutual consent of the Government of the United States and the Government of Guam. Section 103 provides that the Commonwealth Act could be amended only with mutual consent of the two governments. Section 202 provides that no Federal laws, rules, and regulations passed after the enactment of the Commonwealth Act would apply to Guam without the mutual consent of the two governments. The Representatives of Guam insist that these two sections are crucial for the autonomy and economy of Guam. The former views of this Office on the validity or efficacy of mutual consent requirements included in legislation governing the relationship between the federal government and non-state areas, *i.e.* areas under the sovereignty of the United States that are not States,¹ have

¹ Territories that have developed from the stage of a classical territory to that of a Commonwealth with a constitution of their own adoption and an elective governor, resent being called Territories and claim that that legal term and its implications are not applicable to them. We therefore shall refer to all Territories and Commonwealths as non-state areas under the sovereignty of the United States or briefly as non-state areas.

not been consistent.² We therefore have carefully reexamined this issue. Our conclusion is that these clauses raise serious constitutional issues and are legally unenforceable.³

In our view, it is important that the text of the Guam Commonwealth Act not create any illusory expectations that might to mislead the electorate of Guam about the consequences of the legislation. We must therefore oppose the inclusion in the Commonwealth Act of any provisions, such as mutual consent clauses, that are legally unenforceable, unless their unenforceability (or precatory nature) is clearly stated in the document itself.

I.

The Power of Congress to Govern the Non-State Areas under the Sovereignty of the United States is Plenary within Constitutional Limitations

All territory under the sovereignty of the United States falls into two groups: the States and the areas that are not States. The latter, whether called territories, possessions, or commonwealths, are governed by and under the authority of Congress. As to those areas, Congress exercises the combined powers of the federal and of a state government. These basic considerations were set out in the leading case of National Bank v. County of Yankton, 101 U.S. 129, 132-33 (1880). There the Court held:

² To our knowledge the first consideration of the validity of mutual consent clauses occurred in 1959 in connection with proposals to amend the Puerto Rico Federal Relations Act. At that time the Department took the position that the answer to this question was doubtful but that such clauses should not be opposed on the ground that they go beyond the constitutional power of Congress. In 1963 the Department of Justice opined that such clauses were legally effective because Congress could create vested rights in the status of a territory that could not be revoked unilaterally. The Department adhered to this position in 1973 in connection with then pending Micronesians status negotiations in a memorandum approved by then Assistant Attorney General Rehnquist. On the basis of this advice, a mutual consent clause was inserted in Section 105 of the Covenant with the Northern Mariana Islands. The Department continued to support the validity of mutual consent clauses in connection with the First 1989 Task Force Report on the Guam Commonwealth Bill. The Department revisited this issue in the early 1990's in connection with the Puerto Rico Status Referendum Bill in light of Bowen v. Agencies Opposed to Soc. Sec. Entrapment, 477 U.S. 41, 55 (1986), and concluded that there could not be an enforceable vested right in a political status; hence that mutual consent clauses were ineffective because they would not bind a subsequent Congress. We took the same position in the Second Guam Task Force Report issued during the last days of the Bush Administration in January 1993.

³ Mutual consent clauses are not a novel phenomenon; indeed they antedate the Constitution. Section 14 of the Northwest Ordinance contained six "articles of compact, between the original States and the people and States in the said territory, and [shall] forever remain unalterable, unless by common consent." These articles were incorporated either expressly or by reference into many early territorial organic acts. Clinton v. Englebrecht, 80 U.S. (13 Wall.) 434, 442 (1872). The copious litigation under these "unalterable articles" focussed largely on the question whether the territories' obligations under them were superseded by the Constitution, or when the territory became a State, as the result of the equal footing doctrine. We have, however, not found any cases dealing with the question whether the Congress had the power to modify any duty imposed on the United States by those articles.

It is certainly now too late to doubt the power of Congress to govern the Territories. There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded.⁴

* * *

All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

Yankton was anticipated in Chief Justice Marshall's seminal opinion in American Insurance Co. v. Canter, 26 U.S. (1 Pet.) 511, 542-43, 546 (1828). The Chief Justice explained:

In the mean time [i.e. the interval between acquisition and statehood], Florida continues to be a territory of the United States; governed by virtue of that clause in the Constitution, which empowers Congress "to make all needful rules and regulations, respecting the territory, or other property belonging to the United States."

Perhaps the power of governing a territory belonging to the United States, which has not, by becoming a state, acquired the means of self-

⁴ Some derived that power from the authority of the United States to acquire territory, others from the mere fact of sovereignty, others from the Territory Clause of the Constitution of the United States (Art. IV, Sec. 3, Cl. 2) pursuant to which Congress has "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States". See e.g. American Insurance Co. v. Canter, 26 U.S. (1 Pet.) 511, 542 (1828); Mormon Church v. United States, 136 U.S. 1, 42-44 (1890); Downes v. Bidwell, 182 U.S. 244, 290 (1901).

At present, the Territory Clause of the Constitution is generally considered to be the source of the power of Congress to govern the non-state areas. Hooven & Allison Co. v. Evatt, 324 U.S. 652, 673-674 (1945); Examining Board v. Flores de Otero, 426 U.S. 572, 586 (1976); Harris v. Rosario, 446 U.S. 651 (1980); see also Wabot v. Villacrusis, 958 F.2d 1450, 1459 (9th Cir. 1992), cert. denied sub nom. Philippine Goods, Inc. v. Wabot, ___ U.S. ___, 113 S.Ct. 675 (1992). (Footnote supplied.)

government, may result necessarily from the facts, that it is not within the jurisdiction of any particular state, and is within the power and jurisdiction of the United States.

* * *

"In legislating for them [the Territories], Congress exercises the combined powers of the general, and of a state government."

Id. at 542-43, 546.

The power of Congress to govern the non-state areas is plenary like every other legislative power of Congress but it is nevertheless subject to the applicable provisions of the Constitution. As Chief Justice Marshall stated in Gibbons v. Ogden, 22 U.S. (9 Wheat) 1, 196 (1824), with respect to the Commerce Power:

This power [the Commerce Power], like all others vested in Congress is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution. (Emphasis added.)

This limitation on the plenary legislative power of Congress is self-evident. It necessarily follows from the supremacy of the Constitution. See e.g., Hodel v. Virginia Surface Mining and Reclamation Assoc., 452 U.S. 264, 276 (1981). That the power of Congress under the Territory Clause is subject to constitutional limitations has been recognized in County of Yankton, 101 U.S. at 133; Downes v. Bidwell, 182 U.S. 244, 290-91 (1901); District of Columbia v. Thompson Co., 346 U.S. 100, 109 (1953).

Finally, the power of Congress over the non-state areas persists "so long as they remain in a territorial condition." Shively v. Bowlby, 152 U.S. 1, 48 (1894). See also, Hooven & Allison Co. v. Evatt, 324 U.S. 652, 675 (1945) (recognizing that during the intermediary period between the establishment of the Commonwealth of the Philippine Islands and the final withdrawal of United States sovereignty from those islands "Congress retains plenary power over the territorial government").

The plenary Congressional authority over a non-state area thus lasts as long as the area retains that status. It terminates when the area loses that status either by virtue of its admission as a State, or by the termination of the sovereignty of the United States over the area by the grant of independence, or by its surrender to the sovereignty of another country.

II.

The Revocable Nature of Congressional Legislation
Relating to the Government of Non-State Areas

While Congress has the power to govern the non-state areas it need not exercise that power itself. Congress can delegate to the inhabitants of non-state areas full powers of self-government and an autonomy similar to that of States and has done so since the beginning of the Republic. Such delegation, however, must be "consistent with the supremacy and supervision of National authority". Clinton v. Englebrecht, 80 U.S. (13 Wall.) 434, 441 (1872); Puerto Rico v. Shell Co., 302 U.S. 253, 260, 261-62 (1937). The requirement that the delegation of governmental authority to the non-state areas be subject to federal supremacy and federal supervision means that such delegation is necessarily subject to the right of Congress to revise, alter, or revoke the authority granted. District of Columbia v. Thompson Co., 346 U.S. 100, 106, 109 (1953).⁵ See also, United States v. Sharpnack, 355 U.S. 286, 296 (1958), Harris v. Boreham, 233 F.2d 110, 113 (3rd Cir. 1956), Firemen's Insurance Co. v. Washington, 483 F.2d 1323, 1327 (D.C. Cir. 1973). The power of Congress to delegate governmental powers to non-state areas thus is contingent on the retention by Congress of its power to revise, alter, and revoke that legislation.⁶ Congress therefore cannot subject the amendment or repeal of such legislation to the consent of the non-state area.

This consideration also disposes of the argument that the power of Congress under the Territory Clause to give up its sovereignty over a non-state area includes the power to make a partial disposition of that authority, hence that Congress could give up its power to amend or repeal statutes relating to the governance of non-state areas. But, as shown above, the retention of the power to amend or repeal legislation delegating governmental powers to a non-state area is an integral element of the delegation power. Congress therefore has no

⁵ Thompson dealt with the District of Columbia's government which is provided for by Art. I, Sec. 8, Cl. 17 of the Constitution, rather than with the non-state areas as to whom the Congressional power is derived from the Territory Clause. The Court, however, held that in this area the rules relating to the Congressional power to govern the District of Columbia and the non-state areas are identical. Indeed, the Court relied on cases dealing with non-state areas, e.g., Hornbuckle v. Toombs, 85 U.S. (18 Wall.) 648, 655 (1874), and Christianson v. King County, 239 U.S. 365 (1915), where it held that Congress can delegate its legislative authority under Art. I, Sec. 8, Cl. 17 of the Constitution to the District, subject to the power of Congress at any time to revise, alter, or revoke that authority.

⁶ Congress has exercised this power with respect to the District of Columbia. The Act of February 21, 1871, 16 Stat. 419 gave the District of Columbia virtual territorial status, with a governor appointed by the President, a legislative assembly that included an elected house of delegates, and a delegate in Congress. The 1871 Act was repealed by the Act of June 20, 1874, 18 Stat. 116, which abrogated among others the provisions for the legislative assembly and a delegate in Congress, and established a government by a Commission appointed by the President.

authority to enact legislation under the Territory Clause that would limit the unfettered exercise of its power to amend or repeal.

The same result flows from the consideration that all non-state areas are subject to the authority of Congress, which, as shown above, is plenary. This basic rule does not permit the creation of non-state areas that are only partially subject to Congressional authority. The plenary power of Congress over a non-state area persists as long as the area remains in that condition and terminates only when the area becomes a State or ceases to be under United States sovereignty. There is no intermediary status as far as the Congressional power is concerned.

The two mutual consent clauses contained in the proposed Commonwealth Act therefore are subject to Congressional modification and repeal.

III.

The rule that legislation delegating governmental powers to a non-state area must be subject to amendment and repeal is but a manifestation of the general rule that one Congress cannot bind a subsequent Congress, except where it creates vested rights enforceable under the Due Process Clause of the Fifth Amendment.

The rule that Congress cannot surrender its power to amend or repeal legislation relating to the government of non-state areas is but a specific application of the maxim that one Congress cannot bind a subsequent Congress and the case law developed under it.

The rationale underlying that principle is the consideration that if one Congress could prevent the subsequent amendment or repeal of legislation enacted by it, such legislation would be frozen permanently and would acquire virtually constitutional status. Justice Brennan expressed this thought in his dissenting opinion in United States Trust Co. v. New Jersey, 431 U.S. 1, 45 (1977), a case involving the Impairment of the Obligation of Contracts Clause of the Constitution (Art. I, Sec 10, Cl. 1):

One of the fundamental premises of our popular democracy is that each generation of representatives can and will remain responsive to the needs and desires of those whom they represent. Crucial to this end is the assurance that new legislators will not automatically be bound by the policies and undertakings of earlier days.... The Framers fully recognized that nothing would so jeopardize the legitimacy of a system of government that relies upon the ebbs and flows of politics to "clean out the rascals" than the possibility that those same rascals might perpetuate their policies simply by locking them into binding contracts.

Nonetheless, the maxim that one Congress cannot bind future Congress, like every legal rule, has its limits. As early as 1810, Chief Justice Marshall explained in Fletcher v. Peck, 10 U.S. (6 Cranch) 87, 135 (1810):

The principle asserted is that one legislature is competent to repeal any act which a former legislature was competent to pass; and that one legislature cannot abridge the powers of a succeeding legislature.

The correctness of this principle, so far as respects general legislation, can never be controverted. But, if an act be done under a law, a succeeding legislature cannot undo it. The past cannot be recalled by the most absolute power. Conveyances have been made, those conveyances have vested legal estates, and if those estates may be seized by the sovereign authority, still, that they originally vested is a fact, and cannot cease to be a fact.

When, then, a law is in its nature a contract, when absolute rights have vested under that contract, a repeal of the law cannot divest (sic) those rights.

The powers of one legislature to repeal or amend the acts of the preceding one are limited in the case of States by the Obligation of Contracts Clause (Art. I, Sec. 10, Cl. 1) of the Constitution and the Due Process Clause of the Fourteenth Amendment, and in the case of Congressional legislation by the Due Process Clause of the Fifth Amendment. This principle was recognized in the Sinking-Fund Cases, 98 U.S. 700, 718-19 (1879):

The United States cannot any more than a State interfere with private rights, except for legitimate governmental purposes. They are not included within the constitutional prohibition which prevents States from passing laws impairing the obligation of contracts, but equally with the States they are prohibited from depriving persons or corporations of property without due process of law. They cannot legislate back to themselves, without making compensation, the lands they have given this corporation to aid in the construction of its railroad. Neither can they by legislation compel the corporation to discharge its obligations in respect to the subsidy bonds otherwise than according to the terms of the contract already made in that connection. The United States are as much bound by their contracts as are individuals. (emphasis supplied.)

See also Bowen v. Agencies Opposed to Soc. Sec. Entrapment, 477 U.S. 41, 54-56 (1986).

IV

The Due Process Clause does not Preclude Congress from Amending or Repealing the two Mutual Consent Clauses

The question therefore is whether the Due Process Clause of the Fifth Amendment precludes a subsequent Congress from repealing legislation for the governance of non-state areas enacted by an earlier Congress under the Territory Clause. This question must be answered in the negative.

The Due Process Clause of the Fifth Amendment provides:

No person shall . . . be deprived of life, liberty, or property without due process of law. (emphasis supplied.)

This Clause is inapplicable to the repeal or amendment of the two mutual consent clauses here involved for two reasons. First, a non-state area is not a "person" within the meaning of the Fifth Amendment, and, second, such repeal or amendment would not deprive the non-state area of a property right within the meaning of the Fifth Amendment.

A.

A non-state area is not a person in the meaning of the Due Process Clause of the Fifth Amendment.

In South Carolina v. Katzenbach, 383 U.S. 301, 323-24 (1966), the Court held that a State is not a person within the meaning of the Due Process Clause of the Fifth Amendment. See also, Alabama v. EPA, 871 F.2d 1548, 1554 (11th Cir.), cert. denied, 493 U.S. 991 (1989) ("The State of Alabama is not included among the entities protected by the due process clause of the fifth amendment"); and State of Oklahoma v. Federal Energy Regulatory Comm., 494 F.Supp. 636, 661 (W.D. Okl. 1980), aff'd, 661 F.2d 832 (10th Cir. 1981), cert. denied, sub. nom. Texas v. Federal Energy Regulatory Comm., 457 U.S. 1105 (1982).

Similarly it has been held that creatures or instrumentalities of a State, such as cities or water improvement districts, are not persons within the meaning of the Due Process Clause of the Fifth Amendment. City of Sault Ste. Marie, Mich. v. Andrus, 532 F. Supp. 157, 167 (D.D.C. 1980); El Paso, County Water Improvement District v. IBWC/US, 701 F. Supp. 121, 123-24 (W.D. Tex 1988).

The non-state areas, concededly, are not States or instrumentalities of States, and we have not found any case holding directly that they are not persons within the meaning of the Due Process Clause of the Fifth Amendment. They are, however, governmental bodies, and

the rationale of South Carolina v. Katzenbach, 383 U.S. at 301, appears to be that such bodies are not protected by the Due Process Clause of the Fifth Amendment. Moreover, it is well established that the political subdivisions of a State are not considered persons protected as against the State by the provisions of the Fourteenth Amendment. See, e.g., Newark v. New Jersey, 262 U.S. 192, 196 (1923); Williams v. Mayor of Baltimore, 289 U.S. 36, 40 (1933); South Macomb Disposal Authority v. Township of Washington, 790 F.2d 500, 505, 507 (6th Cir. 1986) and the authorities there cited. The relationship of the non-state areas to the Federal Government has been analogized to that of a city or county to a State. As stated, *supra*, the Court held in National Bank v. County of Yankton, 101 U.S. 129, 133 (1880):

The territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general government is much the same as that which counties bear to the respective States ...

More recently, the Court explained that a non-state area is entirely the creation of Congress and compared the relationship between the Nation and a non-state area to that between a State and a city. United States v. Wheeler, 435 U.S. 313, 321 (1978). It follows that, since States are not persons within the meaning of the Fifth Amendment and since the political subdivisions of States are not persons within the meaning of the Fourteenth Amendment, the non-state areas are not persons within the meaning of the Due Process Clause of the Fifth Amendment.

B.

Legislation relating to the governance of non-state areas does not create any rights or status protected by the Due Process Clause against repeal or amendment by subsequent legislation.

As explained earlier, a subsequent Congress cannot amend or repeal earlier legislation if such repeal or amendment would violate the Due Process Clause of the Fifth Amendment, *i.e.*, if such amending or repealing legislation would deprive a person of property without due process of law. It has been shown in the preceding part of this memorandum, that a non-state area is not a person with the meaning of the Due Process Clause. Here it will be shown that mutual consent provisions in legislation, such as the ones envisaged in the Guam Commonwealth Act, would not create property rights within the meaning of that Clause.

Legislation concerning the governance of a non-state area, whether called organic act, federal relations act, or commonwealth act, that does not contain a mutual consent clause is clearly subject to amendment or repeal by subsequent legislation. A non-state area does not acquire a vested interest in a particular stage of self government that subsequent legislation could not diminish or abrogate. While such legislation has not been frequent, it has occurred in connection with the District of Columbia. See District of Columbia v. Thompson Co., 346 U.S. 100, 104-05 (1953); *supra* n.6. Hence, in the absence of a mutual consent clause. ✓

legislation concerning the government of a non-state area is subject to amendment or repeal by subsequent legislation.

This leads to the question whether the addition of a mutual consent clause, *i.e.* of a provision that the legislation shall not be modified or repealed without the consent of the Government of the United States and the Government of the non-state area, has the effect of creating in the non-state areas a specific status amounting to a property right within the meaning of the Due Process Clause. It is our conclusion that this question must be answered in the negative because (1) sovereign governmental powers cannot be contracted away, and (2) because a specific political relationship does not constitute "property" within the meaning of the Fifth Amendment. ✓

1. As a body politic the Government of the United States has the general capacity to enter into contracts. United States v. Tingey, 30 U.S. (5 Pet.) 115, 128 (1831). This power, however, is generally limited to those types of contracts in which private persons or corporations can engage. By contrast [sovereign] "governmental powers cannot be contracted away," North American Coml. Co. v. United States, 171 U.S. 110, 137 (1898). More recently the Supreme Court held in connection with legislation arising under the Contract Clause (Art. I, Sec. 10, Cl. 1) of the Constitution that "the Contract Clause does not require a State to adhere to a contract that surrenders an essential attribute of its sovereignty." United States Trust Co. v. New Jersey, 431 U.S. 1, 23 (1977).⁷ In a similar context Mr. Justice Holmes stated:

One whose rights, such as they are, are subject to state restriction, cannot remove them from the power of the State by making a contract about them. Hudson Water Co. v. McCarter, 209 U.S. 349, 357 (1908).⁸

Agreements or compacts to the effect that the Congress may not amend legislation relating to the government of a non-state area without the consent of the latter, or that federal legislation shall not apply to Guam unless consented to by the Government of Guam would unquestionably purport to surrender essential powers of the federal government. They are

⁷ Cases arising under the Contract Clause holding that a State cannot contract away a sovereign power are also applicable to the contracts made by the federal government because the Contract Clause imposes more rigorous restrictions on the States than the Fifth Amendment imposes on the federal government. Pension Benefit Guaranty Corp. v. R.A. Gray Co., 467 U.S. 717, 733 (1984); National Railroad Passenger Corp. v. A.T. & S.F. R., 470 U.S. 451, 472-73 n.25 (1985). Hence, when state legislation does not violate the Contract Clause, analogous federal legislation is all the more permissible under the Due Process Clause of the Fifth Amendment.

⁸ Cited with approval with respect to federal legislation in Norman v. B. & O.R., 294 U.S. 240, 308 (1935).

therefore not binding on the United States and cannot confer a property interest protected by the Fifth Amendment.⁹

More generally, the Supreme Court held in Bowen v. Agencies Opposed to Soc. Sec. Entrapment, 477 U.S. 41, 55 (1986), that the contractual property rights protected by the Due Process Clause of the Fifth Amendment are the traditional private contractual rights, such as those arising from bonds or insurance contracts, but not arrangements that are part of a regulatory program such as a State's privilege to withdraw its participation in the Social Security system with respect to its employees. Specifically, the Court stated:

But the "contractual right" at issue in this case bears little, if any, resemblance to rights held to constitute "property" within the meaning of the Fifth Amendment. The termination provision in the Agreement exactly tracked the language of the statute, conferring no right on the State beyond that contained in § 418 itself. The provision constituted neither a debt of the United States, see Perry v. United States, supra, nor an obligation of the United States to provide benefits under a contract for which the obligee paid a monetary premium, see Lynch v. United States, supra. The termination clause was not unique to this Agreement; nor was it a term over which the State had any bargaining power or for which the State provided independent consideration. Rather, the provision simply was part of a regulatory program over which Congress retained authority to amend in the exercise of its power to provide for the general welfare.

Agreements that the Guam Commonwealth Act may not be amended without the consent of the Government of Guam, or that future federal statutes and regulations shall not apply to Guam without the consent of the Government of Guam clearly do not constitute conventional private contracts; they are elements of a regulatory system.

In the past the Department of Justice at times has concluded that a non-State area may have a vested interest in a specific status which would be immune from unilateral Congressional amendment or repeal.¹⁰ We cannot continue to adhere to that position in

⁹ Cases such as Lynch v. United States, 292 U.S. 571 (1934), and Perry v. United States, 294 U.S. 330 (1935), are not contrary to this conclusion. Both cases involved commercial agreements (Lynch: insurance; Perry: Government bonds). In Lynch the Court held that Congress could not amend the contract merely to save money "unless, indeed the action falls within the federal police power or some other paramount power." 292 U.S. at 579. Perry involved bonds issued by the United States under the authority of Art. I, Sec. 8, Cl. 2 of the Constitution, to borrow money on the credit of the United States. The Court held that Congress did not have the power to destroy the credit of the United States or to render it illusory by unilaterally abrogating one of the pivotal terms of the bonds to save money. While the Court held that the United States had broken the agreement, it nevertheless held that plaintiff could not recover because, as the result of regulations validly issued by the United States, he had not suffered any monetary damages.

¹⁰ Cf. n.2.

view of the rulings of the Supreme Court that legislation concerning the governance of a non-state area is necessarily subject to Congressional amendment and repeal; that governmental bodies are not persons within the meaning of the Due Process Clause; that governmental powers cannot be contracted away, and especially the exposition in the recent Bowen case, that the property rights protected by the Due Process Clause are those arising from private law or commercial contracts and not those arising from governmental relations.¹¹

Sections 103 and 202 therefore do not create vested property rights protected by the Due Process Clause of the Fifth Amendment.¹² Congress thus retains the power to amend the Guam Commonwealth Act unilaterally or to provide that its legislation shall apply to Guam without the consent of the government of the Commonwealth. The inclusion of such provisions, therefore, in the Commonwealth Act would be misleading. Honesty and fair dealing forbid the inclusion of such illusory and deceptive provisions in the Guam Commonwealth Act.¹³

Finally, the Department of Justice has indicated that it would honor past commitments with respect to the mutual consent issue, such as Section 105 of the Covenant with the Northern Mariana Islands, in spite of its reevaluation of this problem. The question whether the 1989 Task force proposal to amend Section 103 of the Guam Commonwealth Act so as to limit the mutual consent requirement to Sections 101, 103, 201, and 301 constitutes such prior commitment appears to have been rendered moot by the rejection of that proposal by the Guam Commission.

¹¹ It is significant that the circumstances in which Congress can effectively agree not to repeal or amend legislation were discussed in the context of commercial contracts. Bowen, 477 U.S. at 52.

¹² Bowen, it is true, dealt with legislation that expressly reserved the right of Congress to amend, while the proposed Guam Commonwealth Act would expressly preclude the right of Congress to amend without the consent of the Government of Guam. The underlying agreements, however, are not of a private contractual nature, and, hence, are not property within the meaning of the Due Process Clause. We cannot perceive how they can be converted into "property" by the addition of a provision that Congress foregoes the right of amendment.

¹³ The conclusion that Section 202 of the Guam Commonwealth Act (inapplicability of future federal legislation to Guam without the consent of Guam) would not bind a future Congress obviates the need to examine the constitutionality of Section 202. In Currin v. Wallace, 306 U.S. 1, 15-16 (1939), and United States v. Rock Royal Co-op, 307 U.S. 533, 577-78 (1939), the Court upheld legislation that made the effectiveness of regulations dependent on the approval of tobacco farmers or milk producers affected by them. The Court held that this approval was a legitimate condition for making the legislation applicable. Similarly, it could be argued that the approval of federal legislation by the Government of Guam is a legitimate condition for making that legislation applicable to Guam. Since, as stated above, a future Congress would not be bound by Section 202, we need not decide the question whether the requirement of approval by the Government of Guam for every future federal statute and regulation is excessive and inconsistent with the federal sovereignty over Guam.

**APPENDIX TO THE TESTIMONY OF HERBERT BROWN, III
CITIZENS EDUCATIONAL FOUNDATION**

Historical record of the debate on P.L. 600 and the Puerto Rico Constitution between 1950-1952: the record clearly indicates that the intent of Congress was not to create a unique status for Commonwealth, a position on which its advocates in Puerto Rico agreed.

- Hon. Luis Muñoz Marín, Governor of Puerto Rico, (1948- 1964):
 "You know, of course, if the people of Puerto Rico should go crazy, Congress can always get around and legislate again. But, I am confident that the Puerto Ricans will not do that, and invite congressional legislation that would take back something that was given to the people of Puerto Rico as good United States citizens." Hearings before the Committee on Public Lands, House of Representatives, Eighty First Congress, 2nd., page 33.
- Hon. Antonio Fernós- Isern, Resident Commissioner from Puerto Rico in Washington:
 "As already pointed out, H.R. 7674 would not change the status of the island of Puerto Rico relative to the United States: It would not commit the United States for or against any specific future form of political formula for Puerto Rico. It would not alter the powers of sovereignty acquired by the United States over Puerto Rico under the Treaty of Paris." Hearings Before the Committee on Public Lands, House of Representatives, Eighty First Congress, 2nd., page 63.
- Hon. Antonio Fernós- Isern, Resident Commissioner from Puerto Rico in Washington:
 "This bill does not change the fundamental situation of non- incorporation in which Puerto Rico is now, but it allows Puerto Rico to develop along the lines of self- government in a parallel line with a Territory that attains statehood. That would be the situation under this bill.
 "In other words, it is development into self- government on the part of a non- incorporated area of the United States, without virtually changing its position relative to the United States." Hearings Before the Committee on Public Lands of the U.S. , Eighty First Congress, Second Session on H.R. 7674 "A bill to provide for the organization of a constitutional government by the people of Puerto Rico." March 14, 1950. Serial No. 26.
- Hon. Luis Muñoz Marín, Governor of Puerto Rico (1948- 1964):
 "This bill does not change the fundamental situation of non-incorporation in which Puerto Rico is now, but it allows Puerto Rico to develop along the lines of self- government in a parallel line with a territory that attains statehood. That would be the situation under the bill. In other words, it is development into self-government on the part of a non- incorporated area of the United States, without virtually changing its position relative to the U.S." Hearings Before the Committee on Public Lands, House of Representatives, House of Representatives, on H.R. 7674, 81st Congress, March 14, Washington Government Printing Office, 1950, page 17.
- Congressman Crawford of Michigan:
 "...and the people of Puerto Rico are still definitely tied in under the supervision of the Congress and under the protection of the provisions of the Federal Relations Act." Congressional Record, May 28, 1952, page 6180.
- Congressman Meader of Michigan:

“We are creating a Commonwealth. That has never been done in U.S. history before. We have admitted 35 states into the union. The legal effect of that is clear. The legal effect of creating a Commonwealth is not clear.

Under the Organic Act now in effect it is clear that that Congress retains full power to amend or repeal that act. The delegation of authority for local self- government is clearly revocable.

The questions in my mind are these: May the Congress amend or repeal the Constitution of Puerto Rico or laws enacted pursuant thereto? If the Congress in the future passes laws applicable either to territories and possessions generally, which are inconsistent with the Puerto Rican Constitution or laws enacted pursuant thereto, which law shall take precedence? Is the delegation of authority irrevocable? That is the question.

The legislative counsel was unable and unwilling to give me a written opinion on the subject. The Library of Congress opinion which I obtained says that: While the adoption of this Constitution, with the approval of Congress, may create a moral obligation not to override the compact made with the people of Puerto Rico pursuant to Public Law 600, Eighty- First Congress, it would not diminish the constitutional power to deal with this territory as it deems best.

This seems the consensus of the legal opinion I was able to assemble within the limited period I had namely, that the approval of the Puerto Rico Constitution does not constitute an irrevocable delegation of the authority of the Congress under article IV, section 3, of the Sates Constitution.” Congressional Record, May 28, 1952, page 6183.

- Congressman Homer H. Budge of Idaho:

“A better approach might have been to have the people of Puerto Rico to write their own Constitution without limitations and looking towards either independence , or at least, incorporation in the U.S. in a higher plane than that of a Commonwealth which under the proposed Constitution seems to be a mere colonialism.” Congressional Record, May 13, 1952, page 5127.

- Senator O` Mahoney , chairman of the Interior and Insular Affairs Committee:

“It will be easy to assume that in granting this authority the Congress has placed no restraints upon the action of the people of the island. Such is not the case however. The authority granted in Public Law 600 was carefully drawn to make it apply only to matters of local self- government... Those sections not repealed (of the Jones Act) by specific legislation remain in full force and are to be known as the Puerto Rican Federal Relations Act. So the whole purpose of this authorization was to extend to the people of Puerto Rico the opportunity of drawing a charter of local self- government within the scope of the Constitution and the laws of the U.S...” Congressional Record, June 3, 1952, page 7832.

In the past half century our Institution has approved and issued more than 18 reports on this issue:

- On the Political Problem of Puerto Rico (1944);
- On the Minimum Substantive Requirements for each of the Three Formulas to Be Considered in a Plebiscite (1963);
- On the Juridical Relations Between Puerto Rico and the United States (1972);
- On the Decolonization of Puerto Rico (1973);
- On a New Compact Between Puerto Rico and the United States (1975);
- On the Essential Procedural Requirements for the Decolonization of Puerto Rico (1977);
- On the Decolonization and Self-Determination of the People of Puerto Rico (1978) and (1979);
- On the Decolonization of Puerto Rico (1980);
- On the Present Stage of the Process of Decolonization of Puerto Rico and on the Inclusion of the Case of Puerto Rico in the Agenda of the General Assembly of the United Nations (1981 and 1982 and 1983);
- To Recommend that the Voters in Puerto Rico Be Consulted on the Desirability of Convening a Constitutional Convention and on the Desirability of Revising the Terms of the Existing Relations between Puerto Rico and the United States (1985);
- On the Compact of Free Association of the Marshall Islands and the Federated States of Micronesia with the United States of America (1985); and;
- On Two New Constitutional Initiatives (1985).

**Memorandum on the
Commonwealth of Puerto Rico**

November 30, 1992

*Memorandum for the Heads of Executive
Departments and Agencies*

Puerto Rico is a self-governing territory of the United States whose residents have been United States citizens since 1917 and have fought valorously in five wars in the defense of our Nation and the liberty of others.

On July 25, 1952, as a consequence of steps taken by both the United States Government and the people of Puerto Rico voting in a referendum, a new constitution was promulgated establishing the Commonwealth of Puerto Rico. The Commonwealth structure provides for self-government in respect of internal affairs and administration, subject to relevant portions of the Constitution and the laws of the United States. As long as Puerto Rico is a territory, however, the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum or specific referenda sponsored either by the United States Government or the Legislature of Puerto Rico.

Because Puerto Rico's degree of constitutional self-government, population, and size set it apart from other areas also subject to Federal jurisdiction under Article IV, section 3, clause 2 of the Constitution, I hereby direct all Federal departments, agencies, and officials, to the extent consistent with the Constitution and the laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing Federal program or activity would increase or decrease Federal receipts or expenditures, or would seriously disrupt the operation of such program or activity. With respect to a Federal program or activity for which no fiscal baseline has been established, this memorandum shall not be construed to require that such program or activity be conducted in a way that increases or decreases Federal receipts or expenditures relative to the level that would obtain if Puerto Rico were treated other than as a State.

If any matters arise involving the fundamentals of Puerto Rico's status, they shall be referred to the Office of the President.

This guidance shall remain in effect until Federal legislation is enacted altering the current status of Puerto Rico in accordance with the freely expressed wishes of the people of Puerto Rico.

The memorandum for the heads of executive departments and agencies on this subject, issued July 25, 1961, is hereby rescinded.

This memorandum shall be published in the *Federal Register*.

George Bush

Note: This memorandum was released by the Office of the Press Secretary on December 1.

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

February 29, 1996

The Honorable Roberto Rexach-Benitez
President of the Senate
The Honorable Zaida Hernandez-Torres
Speaker of the House
of the Commonwealth of Puerto Rico
San Juan, Puerto Rico 00901

Dear Mr. Rexach-Benitez and Ms. Hernandez-Torres:

The Committee on Resources and the Committee on International Relations are working cooperatively to establish an official record which we believe will enable the House to address the subject-matter of Concurrent Resolution 62, adopted by the Legislature of Puerto Rico on December 14, 1994. While the specific measures addressing Puerto Rico's status which the 104th Congress will consider are still being developed, we believe the history of the self-determination process in Puerto Rico, as well as the record of the Joint Hearing conducted on October 17, 1995 by the Subcommittee on Native American and Insular Affairs and the Subcommittee on Western Hemisphere, lead to the following conclusions with respect to the plebiscite conducted in Puerto Rico on November 14, 1993:

1. The plebiscite was conducted under local law by local authorities, and the voting process appears to have been orderly and consistent with recognized standards for lawful and democratic elections. This locally organized self-determination process was undertaken within the authority of the constitutional government of Puerto Rico, and is consistent with the right of the people of Puerto Rico freely to express their wishes regarding their political status and the form of government under which they live. The United States recognizes the right of the people of Puerto Rico to self-determination, including the right to approve any permanent political status which will be established upon termination of the current unincorporated territory status. Congress will take cognizance of the 1993 plebiscite results in determining future Federal policy toward Puerto Rico.
2. The content of each of the three status options on the ballot was determined by the three major political parties in Puerto Rico identified with those options,

respectively. The U.S. Congress did not adopt a formal position as to the feasibility of any of the options prior to presentation to the voters. Consequently, the results of the vote necessarily must be viewed as an expression of the preferences of those who voted as between the proposals and advocacy of the three major political parties for the status option espoused by each such party.

3. None of the status options presented on the ballot received a majority of the votes cast. While the commonwealth option on the ballot received a plurality of votes, this result is difficult to interpret because that option contained proposals to profoundly change rather than continue the current Commonwealth of Puerto Rico government structure. Certain elements of the commonwealth option, including permanent union with the United States and guaranteed U.S. citizenship, can only be achieved through full integration into the U.S. leading to statehood. Other elements of the commonwealth option on the ballot, including a government-to-government bilateral pact which cannot be altered, either are not possible or could only be partially accomplished through treaty arrangements based on separate sovereignty. While the statehood and independence options are more clearly defined, neither of these options can be fully understood on the merits, unless viewed in the context of clear Congressional policy regarding the terms under which either option could be implemented if approved in a future plebiscite recognized by the federal government. Thus, there is a need for Congress to define the real options for change and the true legal and political nature of the status quo, so that the people can know what the actual choices will be in the future.

4. Although there is a history of confusion and ambiguity on the part of some in the U.S. and Puerto Rico regarding the legal and political nature of the current "commonwealth" local government structure and territorial status, it is incontrovertible that Puerto Rico's present status is that of an unincorporated territory subject in all respects to the authority of the United States Congress under the Territorial Clause of the U.S. Constitution. As such, the current status does not provide guaranteed permanent union or guaranteed citizenship to the inhabitants of the territory of Puerto Rico, nor does the current status provide the basis for recognition of a separate Puerto Rican sovereignty or a binding government-to-government status pact.

5. In light of the foregoing, the results the November 14, 1993 vote indicates that it is the preference of those who cast ballots to change the present impermanent status in favor of a permanent political status based on full self-government. The only options for a permanent and fully self-governing status are: 1) separate sovereignty and full national independence, 2) separate sovereignty in free association with the United States; 3) full integration into the United States political system ending unincorporated territory status and leading to statehood.

6. Because each ballot option in the 1993 plebiscite addressed citizenship, we want to clarify this issue. First, under separate sovereignty Puerto Ricans will have their own nationality and citizenship. The U.S. political status, nationality, and citizenship provided by Congress under statutes implementing the Treaty of Paris during the unincorporated territory period will be replaced by the new Puerto Rican nationhood and citizenship status that comes with separate sovereignty. To prevent hardship or unfairness in individual cases, the U.S. Congress may determine the requirements for eligible persons to continue U.S. nationality and citizenship, or be naturalized, and this will be governed by U.S. law, not Puerto Rican law. If the voters freely choose separate sovereignty, only those born in Puerto Rico who have acquired U.S. citizenship on some other legal basis outside the scope of the Treaty of Paris citizenship statutes enacted by Congress during the territorial period will not be affected. Thus, the automatic combined Puerto Rican and U.S. citizenship described under the definition of independence on the 1993 plebiscite ballot was a proposal which is misleading and inconsistent with the fundamental principles of separate nationality and non-interference by two sovereign countries in each other's internal affairs, which includes regulation of citizenship. Under statehood, guaranteed equal U.S. citizenship status will become a permanent right. Under the present Commonwealth of Puerto Rico government structure, the current limited U.S. citizenship status and rights will be continued under Federal law enacted under the Territorial Clause and the Treaty of Paris, protected to the extent of partial application of the U.S. Constitution during the period in which Puerto Rico remains an unincorporated territory.

7. The alternative to full integration into the United States or a status based on separate sovereignty is continuation of the current unincorporated territory status. In that event, the present status quo, including the Commonwealth of Puerto Rico structure for local self-government, presumably could continue for some period of time, until Congress in its discretion otherwise determines the permanent disposition of the territory of Puerto Rico and the status of its inhabitants through the exercise of its authority under the Territorial Clause and the provisions of the Treaty of Paris. Congress may consider proposals regarding changes in the current local government structure, including those set forth in the "Definition of Commonwealth" on the 1993 plebiscite ballot. However, in our view serious consideration of proposals for equal treatment for residents of Puerto Rico under Federal programs will not be provided unless there is an end to certain exemptions from federal tax laws and other non-taxation in Puerto Rico, so that individuals and corporations in Puerto Rico have the same responsibilities and obligations in this regard as the states. Since the "commonwealth" option on the 1993 plebiscite ballot called for "fiscal autonomy," which is understood to mean, among other things, continuation of the current exemptions from federal taxation for the territory, this constitutes another major political, legal and economic obstacle to

implementing the changes in Federal law and policy required to fulfill the terms of the "Definition of Commonwealth."

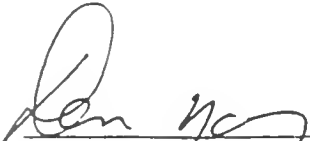
8. In addition, it is important to recognize that the existing Commonwealth of Puerto Rico structure for local self-government, and any other measures which Congress may approve while Puerto Rico remains an unincorporated territory, are not unalterable in a sense that is constitutionally binding upon a future Congress. Any provision, agreement or pact to the contrary is legally unenforceable. Thus, the current Federal laws and policies applicable to Puerto Rico are not unalterable, nor can they be made unalterable, and the current status of the inhabitants is not irrevocable, as proposed under the "commonwealth" option on the 1993 plebiscite ballot. Congress will continue to respect the principle of self-determination in its exercise of Territorial Clause powers, but that authority must be exercised within the framework of the U.S. Constitution and in a manner deemed by Congress to best serve the U.S. national interest. In our view, promoting the goal of full self-government for the people of Puerto Rico, rather than remaining in a separate and unequal status, is in the best interests of the United States. This is particularly true due to the large population of Puerto Rico, the approach of a new century in which a protracted status debate will interfere with Puerto Rico's economic and social development, and the domestic and international interest in determining a path to full self-government for all territories with a colonial history before the end of this century.

9. The record of the October 17, 1995 hearing referred to above makes it clear that the realities regarding constitutional, legal and political obstacles to implementing the changes required to fulfill the core elements of the "commonwealth" option on the ballot were not made clear and understandable in the public discussion and political debate leading up to the vote. Consequently, Congress must determine what steps the Federal government should take in order to help move the self-determination process to the next stage, so that the political status aspirations of the people can be ascertained through a truly informed vote in which the wishes of the people are freely expressed within a framework approved by Congress. Only through such a process will Congress then have a clear basis for determining and resolving the question of Puerto Rico's future political status in a manner consistent with the national interest.


Ultimately, Congress alone can determine Federal policy with respect to self-government and self-determination for the residents of Puerto Rico. It will not be possible for the local government or the people to advance further in the self-determination process until the U.S. Congress meets its moral and governmental responsibility to clarify Federal requirements regarding termination of the present unincorporated territory status of Puerto Rico in favor of one of the options for full self-government.

The results of the locally administered 1993 vote are useful in this regard, but in our view are not definitive beyond what has been stated above. The question of Puerto Rico's political status remains open and unresolved.

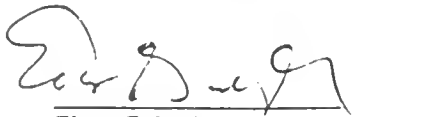
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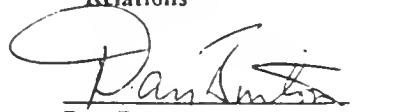
Don Young
Chairman
Committee on Resources



Ben Gilman
Chairman
Committee on International
Relations



Elton Gallegly
Chairman
Subcommittee on Native American
and Insular Affairs



Dan Burton
Chairman
Subcommittee on the Western
Hemisphere

cc: Hon. Hector Luis Acevedo
Hon. Ruben Berrios
Hon. Pedro Rossello

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

March 4, 1996

Dear Colleague:


Under the "United States-Puerto Rico Political Status Act" which we are sponsoring, for the first time in nearly a century of U.S. administration there will be a Congressionally recognized framework for the inhabitants of Puerto Rico to freely express their wishes regarding the options for *full* self-government. If this self-determination process does not result in voter approval of one of the recognized options for full self-government, then by democratic choice of the voters -- instead of by Federal mandate -- the status quo will continue and Puerto Rico will remain a locally self-governing unincorporated territory under Congressional administration.

Under the U.S. Constitution and applicable principles of international law, the three recognized options for full self-government are independence, separate sovereignty in free association with the U.S. and full integration into the U.S. leading to statehood. In order for Congress to determine how to respond to the aspirations of the people of Puerto Rico regarding a permanent, future political status in a manner which promotes and preserves the U.S. long-term national interest, we need to address the status question based on clearly defined principles and standards. This is what our bill does.


Locally conducted plebiscites have been inconclusive, and were unduly influenced by vested interests exploiting the status quo. It is time for the U.S. Congress to meet its responsibility under the Constitution to provide for a self-determination procedure in which the U.S. national interest in resolving the status issue is taken into account, rather than allowing the issue to be dominated by local political rivalries and interference from those who thrive opportunistically on the present territorial status. The United States also has a right of self-determination, and this process requires action by both the U.S. and Puerto Rico in order to advance towards a full self-government relationship.

After 400 years of colonial rule by Spain ended in 1898, it should not have taken another 100 years of American administration for the U.S. Congress to define the options for full and permanent self-government. The Governor of Puerto Rico and our colleague Resident Commissioner Romeo-Barcelo support this bill. We hope you will co-sponsor the measure and support its early enactment.

Enclosed is a copy of the bill and summary. To co-sponsor, call 226-7393.


 DON YOUNG
 Chairman
 Committee on Resources

Sincerely,


 ELTON GALLEGLY
 Chairman
 Subcommittee on Native American
 and Insular Affairs



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, WEDNESDAY, MARCH 6, 1996

No. 29

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. YOUNG of Alaska. Mr. Speaker, today, the introduction of the United States-Puerto Rico Political Status Act will, for the first time in nearly a century of U.S. administration, provide a congressionally recognized framework for the inhabitants of Puerto Rico to freely express their wishes regarding the options for full self-government. I want to acknowledge the insightful leadership of Speaker NEWT GINGRICH in working with the committee to formulate a process to advance the United States-Puerto Rico relationship toward a conclusive one of full self-government. A number of Members have been supportive and instrumental in the development of the legislation, including ELTON GALLEGLY, chairman of the Subcommittee on Native American and Insular Affairs of the Committee on Resources, BEN GILMAN, chairman of the Committee on International Relations, and DAN BURTON, chairman of the Subcommittee on the Western Hemisphere who cochaired with Mr. GALLEGLY the October 17, 1995, joint hearing on the 1993 Puerto Rico status plebiscite. There also has been substantial input from Members on the other side of the aisle.

This matter of tremendous importance to the United States and the nearly 4 million United States citizens in Puerto Rico can only be resolved by adhering to constitutionally and internationally based principles and standards for full self-government. While many may misconstrue this legislation to be designed to benefit one local Puerto Rico political party over another, it is, in fact, a serious bipartisan effort to enact into law a pragmatic process with the long-term objective of resolving the Puerto Rico status dilemma. The legislation divides the process into three manageable stages which follow historical precedent set by the Congress in providing for final political statuses of territories and trust territories during this century.

The first step in the process is the initial decision stage in which voters are asked which fundamental relationship they prefer with the United States—one of separate sovereignty leading to independence or free association or under United States sovereignty leading to statehood.

The second and final steps are the transition and implementation stages which follow the historical patterns of enabling and admission acts for territories becoming States and similar measures for insular areas becoming separate sovereigns.

If this self-determination process does not result in voter approval of one of the recognized options for full self-government, then by democratic choice of the voters—instead of by Fed-

eral mandate—the status quo will continue and Puerto Rico will remain a locally self-governing unincorporated territory under congressional administration.

Under the U.S. Constitution and applicable principles of international law, the three recognized options for full self-government are independence, separate sovereignty in free association with the United States, and full integration into the United States leading to statehood. In order for Congress to determine how to respond to the aspirations of the people of Puerto Rico regarding a permanent, future political status in a manner which promotes and preserves the U.S. long-term national interest, we need to address the status question based on clearly defined principles and standards. This is precisely what the bill does.

Locally conducted plebiscites have been inconclusive, and were unduly influenced by vested interests exploiting the status quo. It is time for the U.S. Congress to meet its responsibility under the Constitution to provide for a self-determination procedure in which the U.S. national interest in resolving the status issue is taken into account, rather than allowing the issue to be dominated by local political naves and interference from those who thrive opportunistically on the present territorial status. The United States also has a right of self-determination and this process requires action by both the United States and Puerto Rico in order to advance toward a full self-government relationship.

After 400 years of colonial rule by Spain ended in 1898, it should not have taken another 100 years of American administration for the U.S. Congress to define the options for full and permanent self-government. The United States-Puerto Rico Status Act permits full self-government to be realized in Puerto Rico in definitive steps, with a smooth transition to whatever form of full self-government the people choose: independence, separate sovereignty in free association with the United States, or statehood.

There is an important event which took place recently which is relevant to the introduction of this legislation. On February 29, 1996, I joined three other House committee and subcommittee chairmen from the Committees on Resources and International Relations in responding to Concurrent Resolution 62 of the Puerto Rico Legislature.

In the Concurrent Resolution the legislature asks the 104th Congress to respond to the results of the November 14, 1993, status plebiscite in Puerto Rico, wherein the Commonwealth ballot proposition received a plurality of 48.6 percent votes cast, and to indicate the next steps in resolving Puerto Rico's political status. After extensive research, oversight, and a joint hearing, a substantial record was developed enabling a concise response to Concurrent Resolution 62.

Following is the text of the response to the President of the Senate and Speaker of the House of the Puerto Rico Legislature:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON RESOURCES,

Washington, DC, February 29, 1996.

HON. ROBERTO REXACH-BENITEZ,

President of the Senate

HON. ZAIDA HERNANDEZ-TORRES,

Speaker of the House of Commonwealth of Puerto Rico, San Juan, Puerto Rico.

DEAR MR. REXACH-BENITEZ AND MS. HERNANDEZ-TORRES: The Committee on Resources and the Committee on International

Relations are working cooperatively to establish an official record which we believe will enable to House to address the subject-matter of Concurrent Resolution 62, adopted by the Legislature of Puerto Rico on December 14, 1994. While the specific measures addressing Puerto Rico's status which the 104th Congress will consider are still being developed, we believe the history of the self-determination process in Puerto Rico, as well as the record of the Joint Hearing conducted on October 17, 1995 by the Subcommittee on Native American and Insular Affairs and the Subcommittee on Western Hemisphere, lead to the following conclusions with respect to the plebiscite conducted in Puerto Rico on November 14, 1993:

1. The plebiscite was conducted under local law by local authorities, and the voting process appears to have been orderly and consistent with recognized standards for lawful and democratic elections. This locally organized self-determination process was undertaken within the authority of the constitutional government of Puerto Rico, and is consistent with the right of the people of Puerto Rico freely to express their wishes regarding their political status and the form of government under which they live. The United States recognizes the right of the people of Puerto Rico to self-determination, including the right to approve any permanent political status which will be established upon termination of the current unincorporated territory status. Congress will take cognizance of the 1993 plebiscite results in determining future Federal policy toward Puerto Rico.

2. The content of each of the three status options on the ballot was determined by the three major political parties in Puerto Rico identified with those options, respectively. The U.S. Congress did not adopt a formal position as to the feasibility of any of the options prior to presentation to the voters. Consequently, the results of the vote necessarily must be viewed as an expression of the preferences of those who voted as between the proposals and advocacy of the three major political parties for the status option espoused by each such party.

3. None of the status options presented on the ballot received a majority of the votes cast. While the commonwealth option on the ballot received a plurality of votes, this result is difficult to interpret because that option contained proposals to profoundly change rather than continue the current Commonwealth of Puerto Rico government structure. Certain elements of the commonwealth option, including permanent union with the United States and guaranteed U.S. citizenship, can only be achieved through full integration into the U.S. leading to statehood. Other elements of the commonwealth option on the ballot, including a government-to-government bilateral pact which cannot be altered, either are not possible or could only be partially accomplished through treaty arrangements based on separate sovereignty. While the statehood and independence options are more clearly defined, neither of these options can be fully understood on the merits, unless viewed in the context of clear Congressional policy regarding the terms under which either option could be implemented if approved in a future plebiscite recognized by the federal government. Thus, there is a need for Congress to define the real options for change and the true legal and political nature of the status quo, so that the people can know what the actual choices will be in the future.

4. Although there is a history of confusion and ambiguity on the part of some in the U.S. and Puerto Rico regarding the legal and political nature of the current "commonwealth" local government structure and territorial status, it is incontrovertible that

Puerto Rico's present status is that of an unincorporated territory subject in all respects to the authority of the United States Congress under the Territorial Clause of the U.S. Constitution. As such, the current status does not provide guaranteed permanent union or guaranteed citizenship to the inhabitants of the territory of Puerto Rico, nor does the current status provide the basis for recognition of a separate Puerto Rican sovereignty or a binding government-to-government status pact.

5. In light of the foregoing, the results the November 14, 1993 vote indicates that it is the preference of those who cast ballots to change the present impermanent status in favor of a permanent political status based on full self-government. The only options for a permanent and fully self-governing status are: (1) separate sovereignty and full national independence, (2) separate sovereignty in free association with the United States; (3) full integration into the United States political system ending unincorporated territory status and leading to statehood.

6. Because each ballot option in the 1993 plebiscite addressed citizenship, we want to clarify this issue. First, under separate sovereignty Puerto Ricans will have their own nationality and citizenship. The U.S. political status, nationality, and citizenship provided by Congress under statutes implementing the Treaty of Paris during the unincorporated territory period will be replaced by the new Puerto Rican nationhood and citizenship status that comes with separate sovereignty. To prevent hardship or unfairness in individual cases, the U.S. Congress may determine the requirements for eligible persons to continue U.S. nationality and citizenship, or be naturalized, and this will be governed by U.S. law, not Puerto Rican law. If the voters freely choose separate sovereignty, only those born in Puerto Rico who have acquired U.S. citizenship on some other legal basis outside the scope of the Treaty of Paris citizenship statutes enacted by Congress during the territorial period will not be affected. Thus, the automatic combined Puerto Rican and U.S. citizenship described under the definition of independence on the 1993 plebiscite ballot was a proposal which is misleading and inconsistent with the fundamental principles of separate nationality and non-interference by two sovereign countries in each other's internal affairs, which includes regulation of citizenship. Under statehood, guaranteed equal U.S. citizenship status will become a permanent right. Under the present Commonwealth of Puerto Rico government structure, the current limited U.S. citizenship status and rights will be continued under Federal law enacted under the Territorial Clause and the Treaty of Paris, protected to the extent of partial application of the U.S. Constitution during the

period in which Puerto Rico remains an unincorporated territory.

7. The alternative to full integration into the United States or a status based on separate sovereignty is continuation of the current unincorporated territory status. In that event, the present status quo, including the Commonwealth of Puerto Rico structure for local self-government, presumably could continue for some period of time, until Congress in its discretion otherwise determines the permanent disposition of the territory of Puerto Rico and the status of its inhabitants through the exercise of its authority under the Territorial Clause and the provisions of the Treaty of Paris. Congress may consider proposals regarding changes in the current local government structure, including those set forth in the "Definition of Commonwealth" on the 1993 plebiscite ballot. However, in our view serious consideration of proposals for equal treatment for residents of Puerto Rico under Federal programs will not be provided unless there is an end to certain exemptions from federal tax laws and other non-taxation in Puerto Rico, so that individuals and corporations in Puerto Rico have the same responsibilities and obligations in this regard as the states. Since the "commonwealth" option on the 1993 plebiscite ballot called for "fiscal autonomy," which is understood to mean, among other things, continuation of the current exemptions from federal taxation for the territory, this constitutes another major political, legal and economic obstacle to implementing the changes in Federal law and policy required to fulfill the terms of the "Definition of Commonwealth."

8. In addition, it is important to recognize that the existing Commonwealth of Puerto Rico structure for local self-government, and any other measures which Congress may approve while Puerto Rico remains an unincorporated territory, are not unalterable in a sense that is constitutionally binding upon a future Congress. Any provision, agreement or pact to the contrary is legally unenforceable. Thus, the current Federal laws and policies applicable to Puerto Rico are not unalterable, nor can they be made unalterable, and the current status of the inhabitants is not irrevocable, as proposed under the "commonwealth" option on the 1993 plebiscite ballot. Congress will continue to respect the principle of self-determination in its exercise of Territorial Clause powers, but that authority must be exercised within the framework of the U.S. Constitution and in a manner deemed by Congress to best serve the U.S. national interest. In our view, promoting the goal of full self-government for the people of Puerto Rico, rather than remaining in a separate and unequal status, is in the best interests of the United States. This is particularly true due to the large population

of Puerto Rico, the approach of a new century in which a protracted status debate will interfere with Puerto Rico's economic and social development, and the domestic and international interest in determining a path to full self-government for all territories with a colonial history before the end of this century.

9. The record of the October 17, 1995 hearing referred to above makes it clear that the realities regarding constitutional, legal and political obstacles to implementing the changes required to fulfill the core elements of the "commonwealth" option on the ballot were not made clear and understandable in the public discussion and political debate leading up to the vote. Consequently, Congress must determine what steps the Federal government should take in order to help move the self-determination process to the next stage, so that the political status aspirations of the people can be ascertained through a truly informed vote in which the wishes of the people are freely expressed within a framework approved by Congress. Only through such a process will Congress then have a clear basis for determining and resolving the question of Puerto Rico's future political status in a manner consistent with the national interest.

Ultimately, Congress alone can determine Federal policy with respect to self-government and self-determination for the residents of Puerto Rico. It will not be possible for the local government or the people to advance further in the self-determination process until the U.S. Congress meets its moral and governmental responsibility to clarify Federal requirements regarding termination of the present unincorporated territory status of Puerto Rico in favor of one of the options for full self-government.

The results of the locally administered 1993 vote are useful in this regard, but in our view are not definitive beyond what has been stated above. The question of Puerto Rico's political status remains open and unresolved.

Sincerely,

DON YOUNG,
*Chairman, Committee
on Resources.*

ELTON GALLEGLY,
*Chairman, Subcommittee
on Native American
and Insular Affairs.*

BEN GILMAN,
*Chairman, Committee
on International Relations.*

DAN BURTON,
*Chairman, Subcommittee
on the Western Hemisphere.*

U.S. House of Representatives
Committee on Resources
 Washington, DC 20515

Chronology for Implementing the *United States-Puerto Rico Political Status Act*

<u>Action by Congress, the President, or the people of Puerto Rico</u>	<u>Projected Date</u>
<i>Congressional enactment of the United States-Puerto Rico Political Status Act before the end of</i>	1996
<u>Initial Decision Referendum</u> by the people of Puerto Rico on the question of which path toward full self-government, to be held no later than.....	12/31/98
President submits Transition Plan legislation for full self-government to Congress within 180 days of referendum.....	6/30/99
<i>Congressional enactment of Transition Act to full self-government within 180 days of receipt of President's proposal</i>	12/31/99
<u>Transition Act Referendum</u> by the people of Puerto Rico on approval of Transition Act within 180 days of referendum.....	6/30/00
Presidential proclamation begins the Transition toward full self-government.....	July, 2000
President submits Implementation legislation to Congress 2 years prior to end of Transition period.....	July, 2008
<i>Congressional enactment of Implementation Act for full self-government for Puerto Rico within 180 days of receipt of President's proposal</i>	6/30/09
<u>Implementation Act Referendum</u> by the people of Puerto Rico on approval of Implementation Act within 180 days of enactment.....	12/31/09
Presidential proclamation implementing full self-government for Puerto Rico.....	July, 2010

Pilar Barbosa de Rosario
 Historiadora Oficial de Puerto Rico

Condominio El Ponce
 Suite 404
 274 Canal Street
 Santurce, PR 00907

March 24, 1996.

Greetings to my friends
 Maurice Maurer & Don Young.

This is a personal note I
 to both of you written this morning
 March 24, 1996. I want to express my
 gratitude to both of you, as well as
 other members involved in doing
 justice to Puerto Ricans as citizens of
 the United States.

As daughter of José Celso ~~Bar~~
 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

Pilar Barbosa de Rosario

Historiadora Oficial de Puerto Rico

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private and public life,
it is quite difficult to
maintain completely neutral in
our historical interpretations.

I always advise readers that I
am writing "the other side of the
story". The story represented by
Barbosa and his group from 1887
thru 1921, practically the
story of the 19th and 20th
centuries in puertorican
political history. My first
university was my home, my
professors were my mother
and father. I learned about the
life of women in the 19th
century under Spain, the role
of my mother in bringing up
eleven children and her life

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with the odds and ends
 in my father's life. ~~I~~

I learned about the role of a wife
 when she was not what she is to do

I learned from my father
 about educational opportunities for
 the poor. But I needed documents
 to sustain all those stories. I did
 my research and during my
 father long illness with cancer
 I took care of him and learned
 more about his personality. Later
 I found he was a document collector
 he had periodicals whose articles
 written by him had his personal
 signature or initials. These
 documents gave me the material
 I needed for the historical stories.

Pilar Barbosa de Rosario
 Historiadora Oficial de Puerto Rico

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I was ready to publish
 and by 1937 I published
 four of his works, under "La Olla de
 José Celso Barbosa Inc." It has
 included his work, from 1857-1921.

I finished the publication this last
 month with the pamphlet in Spanish:
 Puerto Rico: Colonial Experiment
Yesterday and Today

Just at the right time for your
 hearings on the Don Young's bill.

I published an English version by
 René Jones Delgado, University Professor
 With this introductory notes
 let me tell my impression of what I
 saw and heard during the hearings.

Pilar Barbosa de Rosario

Historiadora Oficial de Puerto Rico

5/

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1. 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 & Hispanic American Republics.

Pilar Barbosa de Rosario
 Historiadora Oficial de Puerto Rico

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Condominio El Ponce To us Puerto Ricans that is
 Suite 404
 274 Canal Street not surprising but to our
 Santurce, PR 00907 visitors from U.S., Hawaii, or Latin
 America it's something unique - It's
 Puerto Rican - The Hearing was most
 democratic, everyone said what they
 thought best - Used the language
 they chose - AmBong and all
 Congressmen learned a lot, goods
 had but it's politics, the same
 everywhere - In P.R. our daily bread,
 Everyone enjoyed the day and
 performances - Everyone had an opportunity
 to express themselves -

Pilar Barbosa de Rosario
 Historiadora Oficial de Puerto Rico

7/

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As to our Governor Roselló: -

- 1- I congratulate Roselló for his brilliant ~~and~~ exposition - I agree with him wholeheartedly that the transition period should be reduced to four years.
- 2- I agree the Bill should include ELA but with the explanation of the real ELA, not the 1993 definition - The juridical ELA which is equivalent to Free Association.
- 3- I feel that the Young Bill could be approved by the House of Representatives & send to the Senate early. I think the Speaker's support of Young's Bill

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 Historiadora Oficial de Puerto Rico

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will help a more rapid
 approval by the House.

4. If the republicans in the Senate wholeheartedly care for its approval I don't see why Dole or Brownell is at the time leader in the Senate - should hesitate to have the republican political machine in the Senate push the passage of the Bill - As a matter of fact both Republicans & Democrats need the votes of Hispanics & P.R.icans in this presidential election - This is difficult but not impossible - In the meantime P.R. will have its 1996 election & we hope we have Rosello reelected but more important control of the legislature.

Pilar Barbosa de Rosario
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9-
 So Help U.S. God and

that Pilar Barbosa could live
 three more years to see
 what all of this results in -

So Help me God -

¡Estadidos Ahora! Its now ^{or} Never
 Sincerely yours,

Pilar Barbosa de Rosario

P.D I was much impressed by Representative
 Young Kennedy from Rhode Is.
 Brilliant like all the Kennedys.
 and a lesson to the Old
 Guard representative of many
 Main who do not want to face
 the changes - He gave them a good
 lesson both in Spanish & English

PREPARED STATEMENT OF DR. MIRIAM J. RAMIREZ DE FERRER

Puerto Ricans in Civic Action
Puertorriqueños En Accion Ciudadana



PO BOX 3225, MAYAGUEZ, PUERTO RICO , 00681

(787) 8.34-0726

TESTIMONY OF MIRIAM J. RAMIREZ de FERRER, MD*
BEFORE THE
COMMITTEE ON RESOURCES
US. HOUSE OF REPRESENTATIVES
ON H.R. 3024
"UNITED STATES-PUERTO RICO POLITICAL STATUS ACT
SAN JUAN, PUERTO RICO
MARCH 23, 1996

* Miriam J. Ramirez de Ferrer is president and founder of Puerto Ricans in Civic Action, a non-partisan organization who delivered 350,000 individually signed petitions for statehood to Congress and works to secure political and economic equality for the 3.7 million United States citizens resident on the island. Since 1982, Dr. Ramirez has spearheaded the lobbying efforts of the group in the US. Congress.

Dr. Ramirez maintains a gynecological medical practice in Mayaguez, Puerto Rico.

Mr. Chairman, committee members and staff, welcome to Puerto Rico and thank you for the honor of inviting me to present our organization's views on this historic legislation. While you are here, we hope you have the opportunity to visit with your fellow United States citizens in Puerto Rico, and see the historic sights and modern dynamic society we have created here in the Caribbean, truly making our island its Shining Star.

All this progress has been possible with our nearly 100 year old relationship with the United States. A relationship that now must be taken one final step beyond territorial links to one another and unites our two destinies together forever, eternally preserving our cherished American citizenship, or creates an independent Puerto Rico with its own sovereignty, nationality and distinct citizenship.

Your courageous efforts to resolve our mutual relationship dilemma is highly appreciated. You have exercised your responsibility under the Territorial Clause of the US Constitution and so have defined the status options available to Puerto Ricans who, through the process of self-determination, will choose a final status for Puerto Rico.

It's sad that we need to place in your hands this issue of status choices, rather than to resolve it ourselves, due in part to our own political leaders who have failed over the past almost 100 years to candidly address the realities of the options available under the US Constitution. It's not that we did not have appropriate guidelines to help us present the permitted choices but rather for political expediency most of our leaders have opted to maintain the fiction of the status quo in order to preserve their own power, and assure their elections.

As you have so eloquently stated, Puerto Rico remains an unincorporated territory of the United States. You reached this conclusion after careful research and examination of the historical records as well as your own extensive hearings last October 17, 1995. At those hearings proponents of all the status options were heard and their arguments weighed.

Through the last 12 years, our organization has acquired many historical documents dealing with the political relationship of Puerto Rico with the United States. Our group delivered 350,000 individually signed petitions to Congress for statehood and has worked hard with Congress to solve the status problem of Puerto Rico. We hope these historical documents and our years of research will help clarify many misconceptions regarding the present relationship of Puerto Rico and the United States.

The following facts, supported by official documents included at the end of my testimony, will be useful to set the record straight on what the present relationship between Puerto Rico and the United States is. In other words what is this thing called "Commonwealth".

1. TREATY OF PARIS: December 10, 1898 (Exhibit A)

The Treaty signed by Spain and the United States after the Spanish-American War.

- **Article II** - Spain ceded Puerto Rico to the United States.
- **Article IX** - *"In case they (Spanish subjects) they remain in the territory they may preserve their allegiance to the Crown of Spain by making before a court of record, within a year from*

the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

2. FIRST ORGANIC ACT OF PUERTO RICO - 1900 - 1917 (Exhibit B)

The United States said this act was meant to "Temporarily to provide revenues and civil government for Puerto Rico, and for other purposes." for the inhabitants of Puerto Rico.

- **Section 7:** "That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine (April 11, 1899) and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety nine;"

3. ORGANIC ACT OF 1917, As Amended (Jones Act) (Exhibit C)

- **Section 5:** "That all citizens of Puerto Rico, as defined by section seven of the Act of April 12th, nineteen hundred..... and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States."

NOTE: This section of the Jones Act would prohibit Congress from allowing Puerto Ricans to remain citizens of the United States if they are citizens of another country. So how could dual citizenship be awarded under separate sovereignty if the Jones Act prevails?

4. ROOSEVELT ADMINISTRATION: (1933 - 45)

As a result of a personal relationship between then Senator Muñoz Marin (the "creator" of Commonwealth) and a reporter by the name of Ruby Black, and in turn through this reporter's close relationship with Mrs. Roosevelt, they convinced President Roosevelt back in the 40's, that Puerto Rico was on the verge of a revolution. Muñoz enlisted the support of then Secretary of Interior, Harold Ickes to influence the President. (Exhibit D)

- **March 3, 1943,** Harold Ickes sent President Roosevelt a memo urging him to announce the decision to order a revision of the Organic Act so as to provide for the election of a governor and recommended Muñoz Marin as the leader of the Puerto Rican group.(Exhibit E)
- **March 5,1943,** President Roosevelt sends a letter to Congress urging the revision of the Organic Act. (Exhibit F)
- **In 1947,** Congress authorized the people of Puerto Rico to elect their own governor.

5. TRUMAN ADMINISTRATION: (1945-52)

Note: By now Muñoz Marin is the man with good ties to Washington. He succeeds in convincing President Truman that the people of Puerto Rico be allowed to adopt a Constitution.

- 1949 - Muñoz Marin became the first elected governor of Puerto Rico. (Exhibit G)
- A bill, S.3336, was introduced in Congress to authorize the people of Puerto Rico to adopt their own Constitution and to organize a local government.
- Senate Report No. 1779 and the House Report No. 2275 of S.3336 : said the following:

(pg.2682-2683) *"It is important that the nature and general scope of S.3336 be made absolutely clear. The bill under consideration would not change Puerto Rico's fundamental, political, social and economical relationship to the United States. Those sections of the Organic Act of Puerto Rico pertaining to the political, social, and economic relationship of the United States and Puerto Rico concerning such matters as the applicability of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, Puerto Rican representation by a Resident Commissioner, etc., would remain in force and effect, and upon enactment of S.3336 would be referred to as the Puerto Rican Federal Relations Act. The sections of the Organic Act which section 5 of the bill would repeal are the provisions of the act concerned primarily with the organization of the local executive, legislative, and judicial branches of the government of Puerto Rico and other matters of purely local concern".* (Exhibit H)

(pg. 2684) "Puerto Rico is unincorporated territory" The report in Law 600 specifies that the present commonwealth is an unincorporated territory. (Exhibit H)

(pg. 2684) Sen. Joseph C.O'Mahoney said : *"Nor will it in any way preclude a future determination by the Congress of Puerto Rico's ultimate status. The bill merely authorizes the people of Puerto Rico to adopt their own constitution and to organize a local government".* (Exhibit H)

Note: This clearly states that Puerto Rico continues to be an unincorporated territory of the United States after Law 600.

- 1950 - Public Law 600 - Approved by the 81st. Congress July 3, 1950
- 1951 - President Truman writes Governor Muñoz: *" It gives me great pleasure to receive word from you that the overwhelming majority of the voters of Puerto Rico desire to draft their own constitution." .. "It seems to me in fairness to the people of Puerto Rico, that only when these economic and social goals are clearly in sight can they decide as to what ultimate relationship with the United States they desire."* (Truman recognizes that Puerto Rico had not achieved a final status.) (Exhibit I)
- *"The appointment of the first Puerto Rican Governor was the first step and the election of the*

Governor was the next step, and now the adoption of the Constitution which gives Puerto Rico the status of a state in the Union is a wonderful step in the right direction."

Note: This seem to show Truman's inclination towards statehood. **(Exhibit J)**

- **1952 - Resolution 22:** The **Puerto Rico Constitutional Convention** approves the erroneous translation of Commonwealth into "Associated Free State" (Estado Libre Asociado). **(Exhibit K)**

Note: This continues to be a confusing issue of since many in Washington are led to believe that we actually are a Free Associated State, just by this erroneous translation.

- **March 4, 1952:** Muñoz sent a telegram to President Truman "*Once more the heartfelt thanks of Puerto Rican people for your support and leadership in achieving this new form of political freedom and equality within the American Union.*" : He celebrates the relationship of Puerto Rico within the American Union. **(Exhibit L)**
- **January 16, 1953 :** Gov. Muñoz sent a telegram to put pressure on President Truman, before he leaves the Presidency on January 19, 1953, to inform the United Nations that Puerto Rico should not be included among the non-self governing areas. Truman does this a few hours before leaving The White House, on the eve of Eisenhower's swearing in ceremony. **(Exhibits M)**
- **1952-54 : Foreign Relations of the United States: Vol III - UNITED NATIONS AFFAIRS**
 - (pg. 1429)** - October 9, 1952 "*I am pleased to report that with the establishment of the Commonwealth of Puerto Rico on July 25, 1952, the people of Puerto Rico have attained a full measure of self-government, consistent with Puerto Rico's status as a territory of the United States.*" (Northrop, Acting Secretary of State)
 - (pg.1431)** "*The Constitution of the Commonwealth is markedly similar to that of a State.*"
 - (pg.1432)** "*All public officials must take an oath to support the Constitution of the US.*"
 - (pg.1433)** "*Puerto Rico has not become an independent nation: neither has it become a State of the Union. It remains a territory of the United States.*"

Note: These things were being monitored from Puerto Rico during the days before the 1952 elections and continued after the elections when Eisenhower took office. Personal experience tells us that those times in Washington are usually very confusing since a Democrat administration was leaving office and a Republican is entering on January 19, 1953

- **January 17, 1953:** Governor Muñoz Marin sent a letter to the President of the United States: **(Was it meant for President Truman, who received it a few hours before he left office, or for President Elect Dwight Eisenhower, who swore office on January 19th.)**

Note: The facts on Puerto Rico's relationship with the United States are totally misconstrued in Gov. Muñoz' letter. His purpose was to mislead the President on what Puerto Rico had become, so as to move forward with his agenda on "commonwealth" at the United Nations . Among other things he said..... (Exhibit N)

"On July 25, 1952, the Commonwealth of Puerto Rico was formally installed in response to the wish of an overwhelming majority of the people of Puerto Rico pursuant to a compact between them and the Government of the United States. Puerto Rico became a Commonwealth in free and voluntary association with the United States,..."

False: The United States did not create a status pursuant to a compact with Law 600.

"In the 1948 elections the three alternatives were fully presented to the electorate by the three main political parties". The preference of the people, expressed in an election which was as democratic as any in the world, was unmistakably expressed in favor of the third alternative: a free commonwealth associated with the United States on the basis of mutual consent.

False: - No plebiscite on the status formulas was ever held in Puerto Rico until 1967. The 1948 election was a general election, authorized by Congress, where the people were given for the first time the opportunity to elect a governor in Puerto Rico.

" Their choice is aptly summed up in the Spanish name for the new body politic, "Estado Libre Asociado". "On July 3, 1950, the 81st. Congress enacted Public Law 600. This was in effect, an offer by the Congress to the people of Puerto Rico, which we might accept or reject, to enter into a compact defining the status of Puerto Rico and the relationship between the respective communities."

False: The Constitutional Convention specified that Free Associated State would signify Commonwealth, not a compact of free association. No public hearings were held for Law 600, and the House and Senate Reports on Law 600 specifically say that Puerto Rico's status would not change.

"Our status and the terms of our association with the united States cannot be changed without our full consent"

False: Law 600 in no way precluded a future determination by the Congress of Puerto Rico's ultimate status

"The government of the Commonwealth of Puerto Rico will be ready at all times to cooperate with the United States in seeking to advance the purposes and principles of the United Nations."

False: The United States citizens in Puerto Rico do not " Cooperate with the United States" we are part of the United States and as such, have fought in all wars since World War I.

Note: As you can see, it is no wonder that people in Washington and in Puerto Rico are confused about the relationship between Puerto Rico and the United States. Governor Muñoz Marin, having administered the funds and federal programs from Roosevelt's New Deal, was too powerful among the people of Puerto Rico for anyone to doubt his words and statements.

6. EISENHOWER ADMINISTRATION: (1953-60)

Puerto Rico's Resident Commissioner, at Muñoz' urging, introduces the Fernos-Murray bill to culminate Commonwealth. Its pretentious demands were so outrageous that it was defeated in Congress.

Note: Muñoz's clout with a Republicans President was limited since there was a Pro-Statehood Republican party in Puerto Rico that kept an eye on him.

7. KENNEDY ADMINISTRATION: (1961-63)

- Muñoz and his party pushed for a "new compact" with greater powers for Puerto Rico. when this was proposed to the Kennedy Administration, Harold F. Reiss, a member of Robert Kennedy's staff said: *"If that's what you want, ask for independence and we'll favor it."* (Puerto Rico "Whither Commonwealth? J.Garcia Pasalacqua, Orbis, Vol 15 #3, 1971) According to Pasalacqua, all efforts between 1959 and 1969, to make permanent the creation of Commonwealth permanent, failed. **(Exhibit O)**
- **1961:** The political relationship of the Muñoz administration with President Kennedy paid off. He issued a Presidential Memorandum in 1961, based on information given to him by Muñoz, which called Puerto Rico's relationship with the United States "unique" and in the nature of a "compact."

Note : From that moment on, the information on Puerto Rico became very confusing, both for members of the United States Congress and for the Executive branch.

8. JOHNSON ADMINISTRATION (1964-68)

- **September, 1966:** Under the leadership of Statehood Republican Party of PR leader , Miguel A. Garcia Mendez, many bills for the admission of Puerto Rico in the Union, were introduced in the House of Representatives. Among them...

H.R.17917 - Mr. O'Brien	H.R.17920 - Mr. Craley	H.R.18009 - Mr. Rivers
H.R.17918 - Mr. Saylor	H.R.17944 - Mr. Morton	H.R.18096 - Mr. Mosher
H.R.17919 - Mr. Carey	H.R.17971 - Mr. Wright	H.R.18277 - Mr. Halpern
- As a result, Muñoz used his influence in Washington to have a Commission on Status created to look into the status issue. This Commission was composed of members of Congress and appointed individuals from Puerto Rico.

Note: During the Commission's work, the Congressmen noted in their findings, that PR Law 95 would be a safety net for the people since it provided for a plebiscite by petitions from the people, if the people wanted a change in status. when the Law calling for a plebiscite in 1967 was passed by the local legislature, they derogated Law 95 so as to take away that right from the United States citizens in Puerto Rico. All our efforts to have the law reintroduced and passed have failed. A plebiscite was held in 1967 where even though commonwealth was defined with all the privileges

of a state of the Union, and the statehooders boycotted the process, statehood received a good number of votes, it won easily although statehood

- **1967 Plebiscite Ballot:** To stop these efforts, and thus control the self determination of the US citizens in Puerto Rico, a plebiscite was called by Gov. Muñoz Marin. He and his party, the PPD, described the Commonwealth option with US citizenship and Permanent Union with the United States. It was described in the ballot in 4 full sentences. Statehood and independence were described with one line. The Republican party boycotted the plebiscite. **(Exhibit P)**

9. NIXON AND FORD ADMINISTRATIONS

When the Republicans are in power, not many mischievous events take place to culminate commonwealth. President Ford submitted a project for statehood as he left office.

10. REAGAN ADMINISTRATION: 1981-88:

During Reagan's administration, the PPD governed Puerto Rico and Hernandez Colon was the governor. His administration was characterized by attempts to have Puerto Rico act de facto as if it were an independent country. Hernandez Colon even attempted to sign a tax sparing treaty with Japan. The argument used with the United States agencies to get authorization to do these things was the Kennedy Memorandum. Without the vote of the people, they were making Puerto Rico a sovereign country step by step. It became necessary to revise the Kennedy Memorandum to prevent this from happening behind the people's backs.

11. BUSH ADMINISTRATION - 1989-92

- **1989 -** Just as Muñoz pre-empted García Mendez, history repeated itself. Gov. Hernandez Colon initiated a plebiscite process in the Senate with Sen. Bennett Johnson to pre-empt President George Bush from taking an initiative for self-determination. That process was also aborted.
- **January 1, 1989 :** Governor Hernandez Colon invites the leaders of the three parties to begin a plebiscite process in the Senate under the leadership of Sen. Bennett Johnson, preventing President George Bush from initiating the process, thus keeping tight control. This process was also aborted.
- **January, 1989** President Bush mentions statehood for Puerto Rico in his State of the Union message at our request.
-
- **1992 : Bush Memorandum:** President Bush sent a Memorandum to all the Federal Agencies, where he specifies that Puerto Rico is a territory of the United States and should be treated as such in decision made by the Executive branch. **(Exhibit Q)**

- **1993: Plebiscite Ballot:** Governor Rossello calls for a plebiscite in Puerto Rico and has admitted publicly that he made the mistake of asking the three political parties to define their options. Commonwealth is again defined with all the benefits of statehood and no obligations. (Exhibit R)

Note : Outrageous publications against statehood were placed as inserts in local newspapers and shopping brochures. Some of these seem to have been influenced by Section 936 beneficiaries. (Exhibit S)

1996: HR 3024: The Chairmen of four Congressional committees send an official reply the Puerto Rico Legislature regarding the results of the 1993 plebiscite. The Commonwealth option is found unacceptable. As a result, Congressman Don Young, Mr. Newt Gingrich, the Speaker of the House and their colleagues, have assumed their responsibilities to help their fellow citizens in Puerto Rico and introduced a bill for the self determination of the people of Puerto Rico.

We believe that the alteration of the historical facts regarding the political relationship of Puerto Rico with the United States has created the turbulent atmosphere from where we stand now to solve this status question and has created confusion on what is Commonwealth. We need your help. Our people depend on you, and the authority vested upon you by the United States Constitution and the Treaty of Paris to help sort this out.

Puerto Rico's status has not changed since 1898 regardless of how our island today may be called. Yet for some forty plus years, commonwealth proponents have insisted that their status was legitimate, a status that sought all the benefits of statehood without its burdens. They preached no taxation but full US benefits, sovereignty without responsibility and American citizenship without integration into the American system.

That is why this bill is so important. The options are honestly and clearly defined, and will lead the way for the people of Puerto Rico to be well informed so as to be able to choose a path for self determination. Besides, it also constitutes a classical document in the sense that no matter what happens with this bill, its contents will serve as a model for all future discussion on status. However, already some of our higher ranking politicians are trying very hard to steer this process the wrong way, as they and their predecessors have done in the past. We find no logical reason to explain why Puerto Rico's highest ranking statehood politician is asking that our present territorial relationship be included in a process of self determination, when that possibility has been addressed by this bill. That will remain if we cannot make up our minds on a final status. We urge our friends in Congress not to allow this to happen and to please give us a hand so that this effort will not end up becoming another futile attempt towards self determination, such as those in the past.

For this reason your committee was well advised to find that the commonwealth option on the 1993 plebiscite was not entitled to full credence, given that these promises including guaranteed American citizenship and permanent union with the United States, could only be achieved under statehood.

Your decision to enumerate the status choices which are constitutionally permissible shows your rectitude. The choices you have made in this bill are the only ones comporting with both the Constitution and international law, the only ones that can definitively achieve a process of self

determination for Puerto Rico, the only ones the people of Puerto Rico can choose from, and the only ones that Congress can act on.

First, I wish to make some comments concerning independence or free association. You rightfully recognize that any relationship between a sovereign Puerto Rico and a sovereign United States must be the product of negotiations between the two, which would be formalized in a pact between the two nations. Similarly, replacing the US Constitution and its laws with a Puerto Rican Constitution, is a natural consequence if Puerto Ricans vote for either full independence or free association.

Finally, the matter of US citizenship being replaced by Puerto Rican citizenship is very simple to solve. We refer you to the Jones Act which gave us US citizenship, (Exhibit C). It specifies clearly that this type of US citizenship cannot be given to any Puerto Rican who already has another citizenship.

Second, how could the United States allow for an independent Puerto Rico to be inhabited by nearly 4 million residents with American citizenship? How independent would Puerto Rico truly be if the United States, is obliged to protect Americans wherever situated? Of course, it's hypocritical that independence proponents would want their Puerto Rican citizens to also be American citizens.

This brings me to something else on the question of US citizenship. Just what are the motives or intentions of supporters of the status quo and independence, when they fight to have US citizenship for all Puerto Ricans regardless of the relationship of Puerto Rico with the United States?

Perhaps they want to retain dual American and Puerto Rican citizenship as a means to obtain American aid and funding of federal programs here in Puerto Rico ?

The drafters of H.R. 3024 ably dealt with this issue.. Your bill makes it abundantly clear that the price of independence is, among other things, both the loss of American citizenship and the attendant federal aid and funding that such an honor bestows on citizens, who must bear, in return, the price of government through federal taxation.

In conclusion, let me say that by your courageous act and faith in the process of self-determination, you have presented us with an opportunity to finally fulfill our destiny.

PREPARED STATEMENT OF PILAR BARBOSA DE ROSARIO

Puerto Rico's Litmus Test in Colonialism: Formerly and Presently

Puerto Rico has been and still is a trial and error test in colonialism. It was so under Spain and it is so under the United States of America. Until 1898 we looked up to Madrid in order to solve our problems. Today we look up to Washington.

In order to understand our present we must learn about our past struggles for political equality. Under the Spanish monarchy this was called Colonial or Provincial Autonomy. Under America and her Federal Republican Union it is called Statehood.

As any other people, our history has continuity and we may state that our main effort -politically, economically and socially- has been the struggle to attain our sovereignty. It was so under Spain, during the XIX century, and it is so under the United States of America since 1900. Political equality as Spanish subjects was our goal until 1898, political equality as American citizens has been our goal since the outcome of the Spanish American War.

Our XIX century leaders never accepted an inferior relationship to Spain, they fought to obtain what monarchial Spain could not grant: popular and representative democracy. (Spain could not grant that which she herself lacked).

If Colonial or Provincial Autonomy was a valid option under the Kingdom of Spain, only through Statehood may we be fully integrated into the United States of America at present. The only other option is for Puerto Rico to become a republic, be it as an independent or associated one, under

a protectorate or fully on its own.

Under Spain our struggle was settled in November 1897, with the Moret Decree granting autonomy (although partially and belatedly as a desperate effort to avoid the American intervention in Cuba and the Spanish American War).

The 1898 Spanish American War was the last expansionist war fought by the United States of America and it brought the Manifest Destiny to a close.

Colonial or Provincial Autonomy failed both in Cuba and Puerto Rico, although under different circumstances. Spain lost the war, Cuba was declared a republic under the American protectorate (Platt Amendment) and Puerto Rico was relinquished to the United States of America by the Treaty of Paris. Congress, ever since, has had the power to determine its native inhabitants' civil and political rights

Close to a century under American sovereignty we are still under Article 9 of the Paris Treaty. We are a territory that belongs to but is not a part of the United States of America. We are, in sum, an unincorporated territory under the American Constitution.

Nevertheless, our struggle for political equality has been easier under the American sovereignty. Yet, we are still a trial and error test in colonialism.

The 1952 Commonwealth ("in the nature of a compact") is a territorial form of government. It is the most advanced organic law given by Congress ever to an unincorporated territory but it is still colonial in nature.

Its uniqueness is dependent upon its peculiarity. It has given all that it is capable of giving. It has outlived its usefulness. It can not be enhanced.

After November 14, 1993, reacting to the status' consultation about our reality as a people, former local Supreme Court Chief Justice J. José

Trías Monge, one of Commonwealth's founders said: "Puerto Rico is among the longest colonial societies in the world. A sad distinction, which has left indelible traces upon our values and attitudes."

The eleventh hour has come for Congress and for the Federal Government to face their responsibility and express unequivocally if Commonwealth is "a status of full political dignity, based upon Puerto Rico's permanent union to the United States America, *joined by a bilateral compact*, which can not be ammended unless done so by mutual consent, granting irrevocably American citizenship to the Puerto Ricans" or if the 1950 Federal Relations Law and the 1898 Paris Treaty's 9th Article are still in effect. The quoted Commonwealth definition was touted -and voted- as *the best of both worlds* by the Popular Democratic Party and its followers on November 14, 1993.

Lately, a proposition to extend the United States of America Constitution has been floated. It tantamounts to make an Incorporated Territory of the island. That is better than Commonwealth, but after close to a 100 years under the American flag (in which Puerto Rico has demonstrated fully her capacity for democratic self-government, it sounds as *too little, too / late*. Besides, the republics of Texas and California plus the Nevada territory were admitted as states into the Union, *without having been incorporated previously*. National interest was the deciding factor in the aforementioned cases.

Fellow Puerto Ricans: let's not wait for Congress to decide for us. Those of us that believe in statehood should unite ourselves, so that in the next status consultation (the centennial of our being a colonial test under Old Glory) we could liquidate our inferior political status before the XX century comes to an end. Let us join the Union as partners in full equality, something which we deserve after having shown America our loyalty.

On June 11, 1993, the Atlanta District Court of Appeals, ruled:

"Puerto Rico is still a territory constitutionally. Congress is still the source of power under the United States Constitution's Territorial Clause" (U.S. vs. Rafael and Luis Sánchez).

The-Atlanta Court based its judgement upon an opinion by Puerto Rican born Judge Juan Torruellas (Boston District Court of Appeals). Torruellas had ruled in U.S. vs. Andino (1987) that: "Congress simply delegated additional authority in local matters to Puerto Rico by the Foraker Law (1900), the Jones Law (1917) and the Federal Relations Law (1950) *but in no way did Congress alter or change Puerto Rico's constitutional status as a territory, nor Congress relinquished any of its sovereign power over Puerto Rico.*"

Should we add anything else?

My last question is: if Judge Torruellas' definition *is* our juridical reality what are we going to commemorate in 1998? That's THE question!

Fellow Puerto Ricans, I address you free from any partisanship, urging you to think about our less fortunate societ^y's members; I address you free from any social constraint and ask you: How come are we not to liquidate Colonialism in the light of the global transformation we see looming as the XXI century approaches our planet?

Crime, drug addiction, health and education, main concerns of our times will not fade away as if by magic in the next ten or fifteen years. All we have to do is look around to see that mere political independence is not the cure it all for everything. It doesn't even guarantee a better life nor does it guarantee democracy and freedom!

No matter the tribulations Puerto Rico has endured as a trial and error test in colonialism under Congress' tutelage, we have enjoyed democratic rights and freedom under the American flag and we have developed our own institutions patterned after those of the Federal Union.

The New Progressive Party is the only political party that toils toward

full political equality under statehood. Its innovative program is totally geared to full participation by the people, the true power in a real democracy.

Fellow Puerto Ricans, let's solve our status problem in the next four years. Our goal has been always political equality. It was so under Spain (until 1898) and it has been so under the United States of America (after 1898).

Fellow Puerto Ricans: "Forward, always forward" as Dr. Barbosa used to say! Let's not forget Martínez Nadal's words: "So long as Puerto Ricans remain true to their own personality, traditions and language the Puerto Rican soul will not fade away." To end let me quote the beloved Baldorioty's thought:

I hate colonialism because it embodies the death of spirituality, being the degradation of man by man himself.

English version by:

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**FINAL PUBLICATION BY
LA OBRA DE JOSE CELSO BARBOSA**



PREPARED STATEMENT OF WILSON M. LOUBRIEL

HISTORICAL BACKGROUND OF THE STATUS SINCE 1938

It was through the mass media that I learned that Congressman Don Young will be holding hearings in San Juan, Puerto Rico to solve the Island Status. I understand that it is necessary for your Commission to have an overview of the development of the Puerto Rico status since 1938. I want to share with you notes of how influential has been the role of the different political parties in the solution of this crucial problem for the well being of Puerto Rico.

I must say that one of the forces behind this process has always been since 1938 the Popular Democratic Party. The Popular Democratic Party grew out of an independent movement known as the Independent Social Action (Acción Social Independentista) that was formed from a division of the Liberal Party under the leadership of Muñoz Marín and other independence advocates such as Dr. Gilberto Concepción de Gracia, Dr. Francisco Susoni, Esqrs. Baltazar Quiñónez Elias, José L. Felu Pasquera, Vicente Geigel Polanco, Ernesto Ramos Antonini, Samuel R. Quiñónez, Mr. Antonio Colorado, and others well known "independentistas" of the times. They believed in the disappearance of the colossus of the sugar cane industry.

The Popular Democratic Party won the 1940 general elections; this accounted to the fact that Esq. García Méndez and Mr. Prudencio Rivera Martínez from the Socialist Republican Coalition along with Esq. Ramírez Santibañez organized the Tripartista Party. They won the Senate and needed one vote to control the House of Representatives and Dr. Arrillaga Torrens, elected by the Tripartista Party (Socialist faction), did not keep his seat. Instead he passed it on to the Popular Democratic Party thus giving the Popular Democratic Party total control of the Legislature for the first, four years of the forty years they have been in power all by themselves. Besides they also had control of the Senate for eight additional years, even though the governor belonged to the New Progress Party.

The Popular Democratic Party took power in spite of the fact that the Socialist Republican Party Coalition; statehooders advocates for Puerto Rico, had the majority of the votes and had elected Esq. Boívar Pagán, Resident Commissioner in Washington. During this period the governor of Puerto Rico was appointed by the United States Congress.

As soon as they came in power a statute known as the Five Hundred Acres Law was passed and then they expropriated the land owned by the people on the sugar cane industry thus inflicting harm to an industry that could have been another asset to our economy at present.

By 1944, the PPD had already distributed the land they expropriated from the sugar cane mills administration to the Puerto Rico peasants, with the huge amount of money that increased the coffers of the Puerto Rico Treasury Department during the Second World War, the Party won the elections by a landslide with the slogan "The status is not an issue".

In 1945, Muñoz Marín proclaimed that neither statehooders nor independent advocates belong in the Popular Democratic Party. Because many of Muñoz Marín followers understood that he was putting off independence for Puerto Rico, a group of Popular Democratic Party founders led by Dr. Gilberto Concepción de Gracia, Esq. Baltazar Quiñónez Elias, Esq. José Felu Pasquera, Dr. Francisco Susoni among others decided to withdraw their association with the Popular Democratic Party. A year later they organized the Puerto Rican Independence Party with the

purpose to openly begin the struggle for independence. Only Muñoz Marín, Esqrs. Geigel Polanco, Samuel R. Quiñones, Ernesto Ramos Antonini, Dr. Fernós Isern, Mr. J. Font Saldaña, Mr. Antonio Colorado, Esq. Jaime Benítez, among others, continued the struggle for independence without the consent of the people of Puerto Rico.

The following actions are the most significant clues of the struggle for independence as per my interpretation:

1. They established a policy to make Spanish the only medium of instruction in all schools in Puerto Rico. English became a second language.

2. The Resident Commissioner by that time, Dr. Fernós Isern, of the Popular Democratic Party, joined efforts with Congressman Murray to present the Fernós-Murray Bill which had the purpose to determine the final political destiny of Puerto Rico, Alaska and Hawaii.

Reforms of this nature dealing with the Agenda on the sovereignty of Puerto Rico like the Muñoz-Fernós Bill provoked Senator Johnson's expression, and I quote "That if Puerto Rico ever achieves an independent status, it will have to face its political responsibility honorably either under Statehood or Independence. Any other status would mean lack of self respect or else would be deceitful to its people".

3. In order to keep the ideal of Independence alive, the Popular Democratic Party passed and approved the Minority Participation Act. It aimed at earmarking public funds to minority parties. There was and still is only one minority party we know of which has existed for 40 years in Puerto Rico, the Independence Party.

In 1955, the Congress agreed to grant the Puerto Rican colony the opportunity to self-government under the commonwealth status. The leaders of the Popular Party translated this concept as Free Associated State, in Spanish "Estado Libre Asociado". Ever since this date the Popular Democratic Party leaders claimed that there is a bilateral pact between the Commonwealth Puerto Rico and the United States of America. They also guaranteed at this time that this status would pave the way to Puerto Rico's future political development, either as a State or as an Independent country. However, as of this date the Popular Democratic Party leaders have made no effort along this line although they have been in power for over forty years and they have had mandates to do so.

On the contrary, they have sustained the farce of the Free Associated State.

Naturally, we are no state, but with the application of the term "state" in this concept they have kept statehooders in their rank and files. Likewise they have done the same with the Independence advocates when they insist on using the term "free". In Spanish "free" is equivalent to "libre". "Libre" also means "no strings attached" and this concept is meaningful to the followers of the Independence movement on the Island. That is why we find statehooders as well as Independence Party followers casting ballots in favor of the Popular Democratic Party. We must put an end to this play-upon- words. We must also put an end to subliminal messages which carry the ambivalence which makes us neither a State nor a free country. It is this ambivalence which keeps us standing still when it comes to unraveling our political status. How long will Puerto Rico stand this political maneuvering?

In the 60's a new Independent movement developed in the University of Puerto Rico. It was better known as the "Twenty two" (22) Independent University students". Leaders and members of this organization were among others Rafael Hernández Colón (former governor of Puerto Rico), Mrs. Victoria Muñoz Mendoza (daughter of Muñoz Marín), Esq. Colorado (Former Resident Commissioner), Esq. Marcos Rigau (still a member of the Senate), Esq. Juan García Passalacqua (former special aide to Roberto Sánchez Vilella ex- Governor of Puerto Rico), Hermenegildo Ortiz

Quiñones (former Secretary of Transportation & Public Department), Samuel De la Rosa, Esq. Luis F. Camacho (former President of the Lawyers Association), Esq. Noel Colón Martínez (well-known Socialist Party Leader), Samuel Silva Gotay and Fufi Santori (who recently rejected the American citizenship), and others.

In 1970, the Aguas Buenas Document was enacted by Celeste Benítez, Resident Commissioner Candidate running at present for the Popular Democratic Party, also favoring E.L.A.(the free associated state for Puerto Rico).

In 1972 Rafael Hernández Colón was elected Governor of Puerto Rico. He kept his brain washing strategy in favor of an independent associated republic. From that moment on, he began to use the term "national" in all aspects of the Puerto Rican endeavor especially in sports activities when he referred to Puerto Rican teams representing the colony in different parts of the World where they participated.

During the governorship of Esq. Carlos Romero Barceló, there was an outpouring of written articles authored by Independent Party advocates and also followers of the Popular Democratic Party some of them refer to "The New Thesis" by Rafael Hernández Colón in 1980 is nothing but a description and attempt to an Associated Republic for Puerto Rico.

Popular Democratic Party Senator Marco Rigau's testimony in favor of the Associated Republic before the U.S.A. Congress on the "Compact of Association, Defining the Associated Republic of Puerto Rico's relationship with the United State" is a shining example of this nationalistic feeling.

According to the Puerto Rican Electoral Law the validity of the challenged votes is determined by the Supreme Court if they decide an election. So it happened in 1980 and the Popular Democratic Party obtained control of the House of Representatives.

When Hernández Colón came back to power in 1984 as Governor of Puerto Rico he continued his indoctrination process toward the independent movement. He even intended to establish commercial contracts with Japan thus resulting in a reprimand letter from the Secretary of State of the United State of America advising him that Puerto Rico was still a territory of the U.S.A. and bilateral pacts could only take place between independent nations and this was not the case of Puerto Rico.

To further move away from the American scenario he did not attend the meetings held by the National Association of Governors representing the various states of the U.S.A. Instead he established relations with Central and South America and Spain governments. A Fair was held in Sevilla, Spain and a Pavilion was built to represent Puerto Rico at a cost of over thirty millions dollars (\$30,000,000) and was later sold for four million dollars (\$4,000,000). The King of Spain visited Puerto Rico on an invitation of the governor of Puerto Rico, however, the President of the United States was never equally invited.

He eliminated the use of English as an official language of Puerto Rico with the approval of the Legislature controlled by the Popular Democratic Party leaving only the Spanish as the official language of Puerto Rico.

In 1988 the Supreme Court of Puerto Rico ruled in favor of the actual Mayor of San Juan Héctor Luis Acevedo as a result of the challenged votes on the general elections.

In 1991 Governor Hernández Colón conducted a referendum which only hinted at leading the people of Puerto Rico to a Republic status. It highlighted the following:

- 1- The inalienable right to determine our political status on a free and democratic basis.

2- The right to choose a status with full political dignity without any colonial or territorial subordination to the full powers of Congress.

3- The right to vote for the three status alternatives E.L.A., Statehood or Independence

4- The winning formula in a status consultation to the people of Puerto Rico would require over fifty (50) percent of the votes casted by registered voters.

5- To guarantee under any status formula our right to maintain our culture, our language, self identity, including our international representation in sports.

6- The right to our American citizenship under any status formulae.

As you can infer from the aforementioned, none of the rights offered by the Popular Democratic Party established the option of permanent union with the U.S.A. This by itself was the basis for their defeat in the referendum. The Puerto Rican people have always struggled on behalf of their American Citizenship and Permanent Union with the U.S.A. Evidence of this struggle is clearly depicted in the drafting of many Puerto Ricans who have joined and given their lives along with other U.S. mainland soldiers in the battlefields of Europe, Korea, Vietnam, Middle East and others.

In 1993 during the plebiscite process, the Popular Democratic Party indoctrinated the American citizens of Puerto Rico with the slogan " E.L.A. is the best of two worlds" The best of Statehood? Must it be because what else except Statehood can guarantee the people of Puerto Rico:

1- American citizenship

2- Permanent union with the U.S.A.

3- Parity of Federal funds without filing tax responsibility. Even with Statehood you must pay taxes.

4- Extension of the supplementary Social Security benefit.

The best of the Independence:

1- Bilateral pact with the U.S.A. to guarantee fiscal autonomy for Puerto Rico.

2- Protection to the agricultural products of Puerto Rico.

3- Reestablishment of full tax exempt benefits to 936 enterprises.

At this moment I have to ask: Are these offerings of the Popular Party possible? Under what relation with the U.S.A. this play with words will lead us to? Is it possible that the people of Puerto Rico can vote for the President of the U.S.A. with the best of two worlds?

Faithful to their tradition after obtaining the best of two worlds an special E.L.A. 48 percent of the votes in contrast to the 46 percent obtained by the statehooders the leaders of the Popular Democratic Party such as Ms. Celeste Benítez, Senator Anibal Acevedo Vilá, Senator Faz Alzamora, Congressman Severo Colberg, Mayor of Ponce Churumba Cordero among others have already forgotten what they have offered to the good people of Puerto Rico during their campaigning activities for the best of two worlds and switched to their recurrent play-upon- words strategy, with the same repetitive cliches and political jargon like culture, language, self-identity. They have not taken in consideration that there are voters among their rank and file who are statehooders.

Once again the status agenda remains standing still in the hearts and minds of the Puerto Rican people. From the psychological point of view, it disturbs our collective self image and at the same time it constitutes our never ending problem. Furthermore it is part of our daily or everyday agenda at home, at work, in our leisure time. It enshrouds us in a continuous division as brothers and sisters of this Enchanted piece of land.

In order to stop all this continuous manipulation of circumstances and people, I believe that there is only one way to finally cope with the Puerto Rico status problem, I suggest that the plebiscite process which constitutes the purpose of this hearing take into consideration Statehood, Independence or the Associated Republic as the only options or unique alternatives in the process. The last option is the so much protected one by leaders of the stature of Mrs. Celeste Benítez (President of the National Democratic Party), Mr. Héctor Luis Acevedo (Mayor of the Capital city), Esq. Rafael Hernández Colón (Former governor of Puerto Rico), Mr. Hermenegildo Ortiz (Former Transportation Administration Agency Director), Mr. Marcos Rigau (Senatorial Leader), Mr. Rafael (Churumba) Cordero (Present Ponce city mayor) and others. Besides in 1990 at the Popular Democratic Party Convention held at Ponce, Puerto Rico it was approved the Amendment presented by present Congressman Carlos Vizcarrondo; in those days President of Pro-E.L.A., to withdraw Puerto Rico from the colonial and territorial subordination to the U.S.A. Congress in other words the Associated Republic.

Since 1938 the Popular Democratic Party has been working at first towards Independence and from 1952 till today for the Associated Republic, as had been demonstrated in this Historical Background of the Puerto Rico's Status without the consent of the Puerto Rican people. The leaders of the Popular Democratic Party are saying they won the 1993 plebiscite which cannot be true. In the ballot they promised ONLY what they consider the best of both the Statehood and the Independence this is not only unreal but also unconstitutional.

I strongly believe that the present ELA cannot be included in the decolonization process. Since there is no way to benefit from the statehood without accepting our responsibilities as full-fledged citizens, like our fellow americans in the mainland do when they pay their dues and taxes every year. I can neither understand American citizenship under any of these two formula- the Associated Republic or the Independence.

I respectfully suggest that the formula which obtains over fifty percent (50%) of the votes in the polling places in the 1998 Plebiscite become the winning formula and that it be accepted as the will of the Puerto Rican people.

Finally, I respectfully recommend the United States Congress to make the petition a reality for the sake of this already politically exhausted colony. Otherwise the U.S.A. will continue to be immersed and entangled with the colonial status of Puerto Rico the only existing colony in the world; where three million U.S.A. citizens are living, in spite of the fact that the U.S.A. is the finest Democracy presently in existence worldwide.

I hope that this Historical Background of the Status of Puerto Rico will help the Commission to prepare a Bill that is constitutional and also just for all options so in the 1998 plebiscite we Puerto Ricans will vote for the kind of government that to our believe will be better for our beloved island.

Puerto Rico deserves a better future.

Sincerely,



Wilson M. Loubriel

President

Pro-statehood Engineers Association

My name is Ángel Israel Rivera Ortiz, university professor having a PhD. in Political Science, State University of New York at Buffalo, 1976. Although I currently chair the Department of Political Science of the Faculty of Social Sciences of the University of Puerto Rico at Río Piedras, I am submitting this statement on my own name and, therefore, it should not be taken as representing the views of other faculty members in the Political Science Department.

First of all, I wish to express my overall support to the initiative of the House of Representatives Subcommittee on Native Americans and Insular Affairs to begin a new process for Congressional discussion and for consultation to the people of Puerto Rico regarding the future political and juridical status of the Puerto Rican nation. On my view, however, Bill H.R. 3024 needs important amendments in order to secure a fair play for all political options and groupings concerned. Similarly, some revisions are needed in order to guarantee a high probability of success in its aim to propitiate full self government for Puerto Rico through a process of *free* self-determination in accordance with US and international law.

On Sovereign Free Association

In the first place, the wording referring to the option of *free association* should be amended and clarified. In its present form, H.R. 3024 conveys the idea that *free association* and *independence* are two forms of *separation* from the United States. Although such language is based upon the reality that each of these options entails a distinct sovereignty and an international status for the Puerto Rican nation, it fails to incarnate their full socio-political and economic implications within the context of globalization and free trade agreements.

In fact, in the coming 21st Century both, free association and independence, will be framed within the context of ample interdependence between sovereign entities. Therefore, even what has been labeled <<complete independence>> will not exclude close economic and political associations among certain states. These relationships constitute, in reality, the opposite of *separation*. Unfortunately, therefore, H.R. 3024, in its original form, adopts a *separatist language* more compatible with international relations prevalent in the 19th Century and the early 20th Century than with the international climate of the 1990's.

Such language does not seem to be neither realistic nor appropriate in view of present international conditions or of those that might probably develop throughout the first decades of the 21st Century. Even nowadays, for example, although Mexico is legally defined as an independent country it is not, by all means, *separated* from the United States. Rather, the Mexican State is now moving continuously in the direction of close economic interdependence and association with the United States, a process which brings about important *political* implications regarding the *actual content* of so-called *separate sovereignty*.

In order to confer to the bill a more contemporary and realistic language, it should refer, in my view, to <<a distinct sovereignty for Puerto Rico>> under both, independence and free association, instead of using the phrase <<separate sovereignty>>. This may also be expressed by declaring that under any of these two options Puerto Rico would be a <<distinct autonomous political unit with international recognition as a sovereign State>>. It may be further clarified that the relations of the new Puerto Rican State with the United States shall be conceived <<as those of an entity which is *not* within the internal political system of the U.S.A.>> Federal statehood, on the other hand, will be differentiated from the other two by conveying the idea that it shall be the only option *within* the US *internal* political system.

There is another critical reason for excluding from the bill a separatist language. As any one having in-depth knowledge about the political culture of most Puerto Ricans will confirm, the labeling of free association as a form of <<separation from the United States>> is bound to produce the *political miscarriage* of that formula. Free association, defined as a form of separation, will not be adequately differentiated in the minds of most Puerto Ricans from the status of <<independence>>. This will be particularly so if free association is presented as devoid of any mechanism to permit Puerto Ricans who desire to continue being citizens of the United States to do so after free association is implemented, either through exceptional procedures or by means of a dual or reciprocal citizenship clause to be included in the *Bilateral Compact of Sovereign Free Association Between Puerto Rico and the United States of America*.

I have participated, together with Professor Ana Irma Seijo, from the Political Science Department, in a national Puerto Rican survey on the political culture of Puerto Ricans conducted during the late 1980's. I have also been codirector of the Puerto Rican component of the *World Values Study* together with Jorge Benítez Nazario, another faculty member. The latter study was conducted late in 1995 under the coordination of Ronald Inglehart, Program Director the *Center for Political Studies* of the University of Michigan at Ann Arbor. From my knowledge about the analyses prepared so far on the basis of survey data related to political status questions on both studies, I would expect that free association, if defined as a form of separation or of <<independence>>, will most probably be derailed *ab initio*, impeding its serious and objective consideration as a realistic alternative for the Puerto Rican people.

On the other hand, however, if free association is defined as a sort of improved Commonwealth, *un Estado Libre Asociado culminado*, it might be a significant formula in any status related referendum. <<Estado Libre Asociado>>, the official name in Spanish for the current non-sovereign Commonwealth status, is, in fact, a more appropriate denomination for Sovereign Free Association than for a non-incorporated and non-sovereign Commonwealth of the United States under the jurisdiction of the territorial clause of the US Constitution. Hence, to retain the name *Estado Libre Asociado* under sovereign free association is not only reasonable

but also will secure fair play for the formula, distinguishing it from independence. Of course, the wording utilized in the final law approved by Congress should distinguish free association —the *real* Estado Libre Asociado— from the current non-incorporated territory to avoid other confusions.

As you know, the pro-statehood *New Progressive Party* succeeded in defeating a referendum on Puerto Rico's Democratic Rights supported by the *Popular Democratic Party* in 1991 with the slogan: *Dile no a la separación* (<<say no to separation>> from the United States). Therefore, to retain the separatist language in H.R. 3024 may probably result in accusations that the bill was worded in that fashion with the malicious intention of structurally castigating Free Association through metropolitan steering of its political failure in any referendum. The proposed law would then lose legitimacy in the view of many Puerto Ricans who would claim that it impairs fair play and is biased in favor of the statehood option. Whether those supposed intentions have been actually present or not will not be as important as the fact that the bill might be denounced as illegitimate in the United Nations and the Organization of American States (OAS), an occurrence which does not seem to be, of course, in the U.S. national interest. My concrete proposal is to offer in the bill *three distinct paths*: one leading to full independence, one leading to sovereign free association with a specific wording that distinguishes it clearly both from current Commonwealth status and independence, and one leading to statehood.

In order to prevent political groupings in Puerto Rico to misrepresent the content of any formula during the pre-referenda election campaigns, it should be made clear that rights earned as US citizens by individual Puerto Ricans, notably veterans' benefits and Social Security benefits, to which we are entitled because we have contributed to the US Social Security System through compulsory salary deductions, shall be preserved and protected under any one of the three formulas.

On Independence:

Regarding the independence formula, I think that H.R. 3024 might be significantly improved if its definition is placed within the context of regional free trade and economic integration processes. If international processes ripen during the 21st Century as they now promise to evolve, independence for Puerto Rico shall definitely mean a separate or distinct sovereignty with reference to the US *internal* political system *but not separation* regarding the *external* economic and political system that may develop in America if the United States leads an effort to create an hemispheric free trade zone or American Common Market, something that shall behoove US interests vis-a-vis the new economic competition with Asia and Europe. Particularly, I think Puerto Rico could play an interesting role as an actor propitiating the integration of the whole Caribbean Basin zone to a Western Hemisphere Free Trade association (WHFTA) led by the US. Although this could happen under any of the three political status scenarios, it would be easier under independence or free association because, then, as a distinct sovereign, Puerto Rico

could be a member of NAFTA on its own right and could also belong to other regional integration international organizations such as the Organization of Caribbean States. As a distinct sovereign entity, Puerto Rico would be accepted by Caribbean and Latin American countries as an actor in itself, not as a US official representative. This will not be possible under federal statehood for obvious reasons, as federated states do not have an international status allowing them separate membership in international organizations and in free trade agreements.

Hence, my suggestion is that descriptions about the status of independence in the Bill H.R. 3024, besides other clarifications, should make explicitly open the notion that the United States might contribute to the process of admission of the new republic to the NAFTA agreement. Of course, the same elucidation may be included with reference to the free association option.

Both under independence and free association bilateral US-Puerto Rico free trade should be maintained even if Puerto Rico is excluded from a customs union with the United States. *But a customs union might be desirable and practicable, however, under both free association and independence.* This could be left to be worked out between both sovereign entities (the US and Puerto Rico) rather than specifically describing Puerto Rico, both under independence and free association, as being *outside* the US customs territory, as is presently done in H.R. 3024 Section 4.a.1.G.

On the Path Towards Statehood:

Some people in Puerto Rico —perhaps many— think that H.R. 3024, in its original version, is a sort of *dream bill* for statehooders. As it is now, the only political status in which Puerto Ricans may retain US citizenship is statehood. In stipulating this, the bill completely ignores that, as an international status, free association is flexible enough as to permit dual and reciprocal citizenship accords between any two associated sovereigns. Furthermore, the bill in its present form defines both independence and free association as forms of separation, thus contributing to ignite inveterate fears and psychological conditionings which could negatively affect the probabilities for massive voting in Puerto Rico favoring any of the two alternatives, as already mentioned above. Moreover the "path within the sovereignty of the United States leading to statehood" is too flexible, ambiguous and imprecise enough as to grant credence to the suspicion that the bill is quite biased in favor of statehood. If this scenario is maintained, Puerto Rican society is bound to polarize itself with the consequent instability, something which is undesirable for all parts involved, particularly if viewed within the context of the insecure political situations prevailing in Cuba, Haiti and the Dominican Republic.

Ambiguity concerning statehood is particularly evident regarding Section 4.a.2.G which states that <<Puerto Rico shall adhere to the same language requisite as the other states>>. This phrase may be read as having the following different meanings in Puerto Rico:

1. Puerto Rico shall adhere to the same language requisite that Congress in the past has demanded from other states, i.e. that English should be the principal language for conducting government proceedings in the state and recording public documents and trials in state courts, as well as the main vehicle for public education, public broadcasting and the like.
2. Puerto Rico shall adhere to the same language requisite that Congress is inclined to demand nowadays from a new state: none. Because there is no official language at the federal level, the state of Puerto Rico, or any other new state, may adopt whatever official language the majority of the people wish to adopt as the main means of communication in government, the state courts, public schools, universities and public broadcasting on radio and TV stations.
3. Puerto Rico as a state could have the right to determine its own official language, but if the US English movement subsequently succeeds in having the federal government adopt English as the only official language for all public activities throughout the United States, then Puerto Rico shall adhere to the same language requisite as the other states; i.e. English only.

Given the ambiguity of this section in H.R. 3024 everyone should expect that, if not amended, during the referenda campaigns the *New Progressive Party* (pro-statehood) will claim that Puerto Rico shall have full powers to determine that both English and Spanish will be official languages and that Spanish may be adopted as the main vehicle for education. The *Popular Democratic Party* and the *Pro Independence Party* will for sure claim that this is not true and that Puerto Rico shall have to adhere to English. Confusion is bound to reign supreme.

My recommendation is, therefore, that H.R. 3024 be amended so that section 4.a.2.G. includes a clear definition on this issue. Among the many possible wordings, I propose the following two. Which of them better reflects the intentions of H.R. 3024?

G. The U.S. Congress recognizes the Puerto Rican People as a distinct Hispanic nationality and a distinct society with a cultural background which differs from the dominant culture in the other fifty states. Hence, as a sovereign federated state in the American Union, Puerto Rico shall have the right to adopt Spanish as the main vehicle for state government proceedings and for public education at all levels. Of course, English will be required as a second official language in the state and as the legal means of communication between the state government and the federal government. The federal district court will continue to use English as the main language for all trials and proceedings. State courts may either use English or Spanish but English should be used in civil cases in which one of the parts is not conversant in the Spanish language. Of course, citizens shall enjoy the same freedom they enjoy in the other fifty states to conduct private communications, public broadcasting and family life in the language of their preference.

or

G. The U.S. Congress recognizes the Puerto Rican People as a distinct Hispanic nationality and a distinct society with a cultural background that differs from the dominant culture in the other fifty states. However, because the English language is the main vehicle for official communications of the federal government and of the other fifty state governments, the Puerto Rican state shall adhere to the use of English as the main official language for all state governmental proceedings, including the state legislature, state courts, and public schools and universities. This shall not impair the freedom of the Puerto Rican People to use the Spanish language or any other language besides English in conducting private activities, in oral communications in the work-site in both public and private jobs not related to classroom teaching, or as the principal language in mass media broadcasting and in family life. State laws shall also protect this same right to all residents of Puerto Rico who do not speak Spanish as their main language.

As you may easily deduct from the above alternative propositions, I am convinced that, to be workable *in practice*, and to avoid the sort of problems facing Canada in its relations with Quebec, any statehood scenario for Puerto Rico should assume that U.S. federal structures must be flexible enough as to admit into the American Union a state whose population constitutes a distinct —though not so far sovereign— nation, and a *distinct society* different from American society. The quebecois secessionist movement has been stimulated precisely because the national government in Canada has denied Quebec official governmental recognition as a distinct, different society within the Canadian federation. Any serious consideration of statehood for Puerto Rico would have to be viewed within the context of a U.S. Federal System which is not opposed in principle nor practice to multiculturalism or plurinationalism. Within that framework, however, the US Congress should formulate *very clearly* what are the specific language or culture-sharing requirements that the Union wishes to request of Puerto Ricans if they really want their Island to be incorporated to the United States as the fifty-first state of the Union. Solving the Puerto Rico status problem is, therefore, an exercise in free-self-determination not only for Puerto Rico but also for the United States, for the American People. The latter must have the right to decide whether or not they want to open-up —at least theoretically— their Federal Union to American nations of Hispanic language and culture by establishing an important precedent in that sense in the case of Puerto Rico. On the other hand, whether statehood within the U.S. federal system presupposes or not that a different nation must abandon its own essential traits in order to assimilate to the U.S. mainstream cultural milieu prior to admission into the Union, should be made known with optimal clarity and fairness to the Puerto Rican people if the U.S. wishes to prevent future predicaments such as an after-statehood massive secession movement.

We have collected in the University of Puerto Rico some survey data which clearly demonstrate how most Puerto Ricans do cherish their Puerto Rican distinct national identity.

In a question asking for group identity in the Puerto Rican national survey of the World Values Study (N= 1,164 respondents) the alternatives that were most frequently mentioned were: "Puerto Rican, and that's all, first, second and third," and "Latin American and Puerto Rican."

Another alternative labeled as "North American of the Puerto Rican Ethnic Group" was only chosen by a very small minority, even among pro-statehood Puerto Ricans. Among the latter, 51.2% identified themselves as "Puerto Ricans and that's all," and 20.4% identified themselves as "Latin American-Puerto Ricans." Only an additional 6% of them chose to identify themselves as "North American of the Puerto Rican ethnic group" and 4.4% chose the "Caribbean and Puerto Rican" reference-group. The rest distributed themselves among different categories with racial or ethnic preponderance ("white and Puerto Rican," "black and Puerto Rican," "mulatto and Puerto Rican"). Among respondents saying they support Commonwealth status, 60.5% identified themselves as "Puerto Ricans and that's all," and 18.2% recognized themselves as "Latin American-Puerto Ricans." Only 3.8% were self-identified as Caribbean-Puerto Rican and 3.8% as "North Americans of the Puerto Rican Ethnic Group." Among pro-independence respondents 56% identified themselves as "Puerto Ricans and that's all," 16% as "Latin American-Puerto Ricans," 6.6% as "Caribbean-Puerto Ricans," and 0.0% as North Americans of the Puerto Rican ethnic group."

When asked whether they value more their national identity (being Puerto Rican) or their citizenship (being a U.S. citizen) responses were distributed among pro-statehood, pro-commonwealth, and pro-independence respondents as shown in Table 1. The Table excludes those not identifying themselves with any one of the traditional status formulas so that N=959.

Table 1 (see final page) shows that although U.S. citizenship is very important for Puerto Ricans, Puerto Rican national identity is even more intensely valued by many. After almost 100 years of U.S. sovereignty, and many billions in U.S. federal transfers, 76% of pro-independence Puerto Ricans, almost 60% of pro-commonwealth people and even 43% of pro-statehood respondents definitely expressed that they consider more important in their lives being Puerto Ricans than being U.S. citizens. Only 26% of those who commit their votes to statehood within U.S. sovereignty *do regard their U.S. citizenship as more important than their Puerto Rican nationality!*

What these data suggest, in my view, is that Congress, in considering a path leading to statehood should take into account the wishes of most Puerto Ricans concerning the maintenance of a different nationality as well as our commitment to adhere to our own nationhood and to the Spanish language as our preferred means for communication *among Puerto Ricans*. A failure to recognize this *reality* by Congress could only mean self-deception as well as deceiving the American People regarding the Puerto Rican issue. And if the aforementioned reality is, in fact, deemed by Congress as incompatible with federated statehood within the US

Federal Union, Congress should state so very clearly. Not to do so before the celebration of a referendum under the auspices of the US Congress in pursuance of H.R. 3024 would be tantamount to deceiving the Puerto Rican people and the "Puerto Rican Statehood Movement". If errors are committed in this area of US-Puerto Rico relations, instead of attaining *a solution* to the Puerto Rican status problem *a new nationality problem* will ensue for both the US and Puerto Rico even if <<full self-government>> is formally conceded to the Island through a status change from Commonwealth to Statehood. Such a new problem might be further compounded in the future through Puerto Rican leadership linkages with a possible movement led by Hispanics within the continental territory of the United States seeking for "Latino Power" within the US political system.

Inclusion or Exclusion of the Non-incorporated Territory (Current Commonwealth Status) in the Referendum Proposed by H.R. 3024

My first preference is that the extant Commonwealth status *should not* be included in the ballot as an alternative because it is not a political status leading to full self-government nor decolonization. In its present form, H.R. 3024, in Section 5.c.2. clearly states that if referenda turn out to be inconclusive, then the current Commonwealth status shall be maintained as a non-incorporated territory under the territorial clause of the US Constitution (Article IV, Section 3, Clause 2). The Congress, then, could exercise its powers to decide the disposition of the territory and the condition of its inhabitants.

Just in case the subcommittee or the Resources Committee finally resolve the inclusion of Commonwealth status in the ballot as defined by H.R. 3024, I would like to add another specification to its definition. Not only should it be clearly defined as a non-incorporated territory under the territorial clause, but it should also be clearly stated in the ballot that, if it occurs that the majority or a plurality of the votes cast are in favor of the current status, *this will imply that the US Congress could decide the disposition of the territory and the condition of its inhabitants.*

I think we Puerto Ricans have a right to express our preference and to decide our future. But if there is no majority, or a plurality or majority of the people opt for the present situation in which Puerto Rico does not enjoy full self-government, after several referenda are celebrated, then Congress should exercise its powers to determine the disposition of the territory according to the Treaty of Paris of 1899 and Article IV, Section 3, Clause 2 of the US Constitution. Perhaps one way to do it *without excluding some form of Puerto Rican participation* would be for Congress to transfer sovereignty to a democratically elected *Constitutional Convention* empowered to conduct negotiations with the US Congress. The Convention could then proceed to work out a mutually acceptable solution which, after approval by both the Convention and the US Congress, could be submitted for ratification by the Puerto Rican people in a referendum.

On the Distribution of Funds for the Referendum

In Section 7.b.2, H.R. 3024 refers only to *political parties* as instruments for campaigning or providing for the education of the voters regarding the alternatives to be presented in the ballot in the political status referendum. I would like to suggest an amendment to the wording of this section so that there is a possibility for distributing a fraction of the funds to *bona fide* movements organized precisely with the purpose of educating the people with reference to the status alternatives to be presented to the voters or as defenders of any particular formula. The emergence of new groups is foreseeable in view of the elimination of the existing Commonwealth as an alternative and the inclusion of Free Association, as well as ensuing from a possible decision by any one of the three existing parties not to participate. Therefore, H.R. 3024 should include a provision defining *bona fide movements* given the fact that the existing process for formal inscription of new political parties is costly and time consuming. Congress could require a minimum of signatures by members of any political movement in order to grant official recognition and each of the alternatives could be permitted a top limit of not more than three distinct political parties or political entities (movements) to officially support and propagandize the formula with access to public funds. These provisions would add flexibility to H.R. 3024 and could be extremely importance to promote ample democratic participation as well as to avoid a monopoly of the process by the three traditional Puerto Rican political parties.

On procedure:

Just a final word on procedures. Although, as mentioned above, any process for defining a full self-government status for Puerto Rico implies mutual self-determination and everyone directly involved in discussions or negotiations—or public hearings—, both from the American and Puerto Rican sides, should have the right of expressing his or her sincere feelings, appropriate care should be taken in order to avoid projecting the image or appearance that US Congressmen are inclined to harangue the Puerto Rican people in favor of any one formula or solution. Failing to do so, could only complicate the process unnecessarily and provoke claims on the basis of international law, particularly in the case of statehood. If a majority vote is obtained for *incorporation to the metropolis* which is suspect of not being a wholesome, free exercise of self-determination by Puerto Ricans because US politicians have been propagandizing statehood on the grounds that federal funds cuts are going to have a very negative impact on the lives of the inhabitants of Puerto Rico and, hence, the only way to avert an economic catastrophe is for Puerto Ricans to choose statehood, the whole process might be considered illegitimate according to international law standards.

Therefore, exercising prudence and self-restraint is the best antidote against such an unfortunate outcome. Right now, the fact that the sub-committee has produced H.R. 3024 at a time so close to the 1996 general elections is affecting the credibility of the seriousness of this initiative. Hence, postponement of this process to the next non-election year is highly recommended.

TABLE 1
 VALUE ACCORDED TO BEING PUERTO RICAN
 VS VALUE ACCORDED TO BEING US CITIZEN
 BY TRADITIONAL POLITICAL STATUS PREFERENCE*

	Being A Puerto Rican Is More Important	Both Are Equally Important	Being a US Citizen is More Important	No Response	Total
Status Preference:					
Commonwealth	298 (59.5)	135 (27.0)	57 (11.4)	11 (2.2)	501
Statehood	164 (42.8)	115 (30.0)	98 (25.6)	6 (1.6)	383
Independence	57 (76.0)	8 (10.7)	7 (9.3)	3 (4.0)	75
				N=	959

* Absolute and relative frequencies row percentages.

MOVIMIENTO DE RENOVACION NACIONAL
M O R E N A
Apartado Postal 7772
Ponce, P.R. 00732

February 9, 1996

The Hon. Don Young
House of Representatives
Washington, D.C. 20515

Sir:

Having been notified of your pronouncements with regard to the Puerto Rican status problem it is our wish to inform you the facts about the Independence Movement situation in Puerto Rico and our position with regard to the subject.

First of all: No matter what electoral results may inform you or anybody, there are no less than half a million Puerto Ricans who not only want, desire, and have a right to Freedom and Independence but who will also oppose any and all efforts, by whoever and to the last consequences, to continue denying us those inalienable rights.

Second: Regardless of any and all convenient political posturing, the United States has no right whatsoever to continue occupying the land History and Life have given our people to grow, live, develop, and enjoy life in. Dispassionately stated, the United States, due to its own history, should be the least imperially minded nation in the world.

Therefore: The United States should, in all conscience and decency and as soon as possible, divest itself of this colony and withdraw from our national life.

To this effect, during the next few months, we shall be presenting each and every member of the Senate and the

House of Representatives of the United States, each and every State Governor, and the People of the United States through the main national newspapers with a plan for the transfer of all political powers to Puerto Rico and the eventual recognition of our right to Liberty and Freedom.

This proposed plan will include the following:

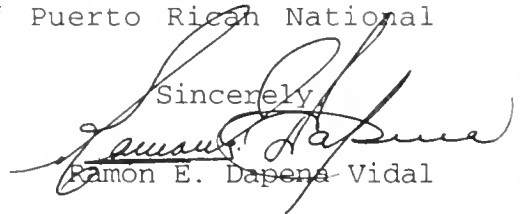
1- A proposal for a Joint Resolution of Congress establishing the Independence of Puerto Rico as Public Policy of the United States and the establishment of a process by which the People of Puerto Rico will advene to their independence within five (5) years;

2- The process will entail the election of a Puerto Rican National Assembly that will, through its specialized committees and in close cooperation with the Congress appointed standing committees, handle the transfer of all political powers to Puerto Rico in an orderly, just, and sensible manner within the time frame set for such process;

3- At some previously established time during that process, all Puerto Ricans will be given the choice to either remain U.S. citizens or to opt for the Puerto Rican citizenship. This is the only fair process for neither should the right to U.S. citizenship of those who want to keep it, nor the rights of us Puerto Ricans to Liberty and Freedom be subjected to plebiscites and/or majority decisions.

We think it fair for you to be duly advised of our position and resolve for, sometime soon, you may soon be called upon to discharge your duty as a freedom loving american. For the Movement of Puerto Rican National Renewal I remain,

Sincerely,



Ramon E. Dapena Vidal

w.c. to Hostosian National Congress

PREPARED STATEMENT OF NOEL COLON MARTINEZ

Distinguished members of the Committee on Native American and Insular Affairs

My name is Noel Colón Martínez and I am here representing the Congreso Nacional Hostosiano, a coalition of organizations and individuals favoring the independence of Puerto Rico. Attached to this written statement you will find a list of the organizations and individual members of said Congreso.

You have before you a translation of a text originally submitted in Spanish, Puerto Rico's sole national language. It is not possible to assert that you want to advance a process of political self-determination, while at the same time you are using English in these proceedings, a language which over 60% of the population does not understand.

We now wish to point out several observations regarding project H.R. 3024, titled "A Bill to Provide a Process Leading to full self-government for Puerto Rico", submitted on March 6, 1996. We acknowledge that said Bill, co-sponsored by the House President Newt Gingrich and a substantial number of Congressmen, represents an initiative which could contribute to the process geared to free Puerto Rico of its colonial relationship with the United States.

The Congreso Nacional Hostosiano takes favorable note of the fact that this Bill finally recognizes that Puerto Rico is at present an unincorporated territory of the United States. Said admission will be a piece of evidence in the international deliberations and consultations regarding Puerto Rico's status. In the language of international law it constitutes an unequivocal admission by those signing this Bill that Puerto Rico is still a

colonial territory.

Even though neither the United States nor England supported resolution 43 47 (1988) of the United Nations, declaring that the 1990's would be the International Decade for the Eradication of Colonialism in the World, this does not imply that the United States Congress can refuse to comply with such a clear-cut mandate. Furthermore, this historic vote is a reflection of the solid consensus of the international community regarding this matter.

The United States Government should not start the coming century without solving the Colonial status of Puerto Rico. Its moral leadership will continue being questioned. Its own international callings to respect other peoples self determination will go on being mocked if the United States Government can not put into practice what it preaches outside. In the near Latin American and Caribbean context, the presence of a colonial enclave is still a thorn hurting the democratic sensibilities of the peoples and leaders of the region.

Acceptance by those signing the project that the Puerto Rican archipelago is still subject to congressional powers under the Territorial Clause (Art III, Sec. 3, Clause 2) has significant international consequences. This statement is inconsistent with the representation given by the United States delegation to the United Nations in 1953. Therefore, Congress should instruct the United States delegation at the United Nations to permit the corresponding bodies of the forum designated to resolve international disputes, to again assume jurisdiction over the case and to participate in the elaboration of a decolonizing process

which complies with the requisites established by said forum.

Under the terms of the Treaty of Paris and the jurisprudence established in the so-called Insular Cases, The United States Congress is the one called to implement the decolonization process. Bill H.R. 3024 does not comply with that international responsibility. Once Congress accepts, as the signatories of this Bill have, that this is a matter of colonial status, what immediately follows is to transfer political powers to the country subjected to the indignation of colonialism.

In such cases where a majority of those concerned favor independence, said transfer implies immediate recognition of the new republic. Although the Congreso Nacional Hostosiano favor independence, we believe that it will be the product of deliberation and a democratic process. We acknowledge, just as was declared by the Decolonization Committee of the United Nations in 1978, that free sovereign association is also a decolonization option for Puerto Rico. Both are viable options based on the recognition of a different sovereignty which would allow Puerto Rico full participation in the international community.

We believe Congress should facilitate a process in which Puerto Rico will choose from among the options the international community has found to be useful for getting out of the move of colonialism.

On the other hand, The Congreso Nacional Hostosiano does not acknowledge the political integration of Puerto Rico to the United States as an option for decolonization. To us, statehood would be the culmination of a long colonial period. We believe, however,

that those Puerto Ricans favoring statehood should be given full participation in the process of transferring powers. If at the end of the process the statehood option wins and Puerto Rico is admitted as a state, as independence advocates we reserve our right to opt for secession and to continue fighting for independence by all means deemed necessary.

Bill H.R. 3024 does not provide a procedural solution to the present impasse. With the threat of the loss of U.S. citizenship, this Bill strives to force Puerto Ricans to vote for statehood, an option rejected by 53% of the electorate in 1993) to then make the United States deny what it does not want to offer: statehood proper. By the absurd logic of this bill, the decolonization process must go through that disagreeable and dangerous stage. That is a mistaken approach.

Besides, Bill H.R. 3024 seeks to condition the exercise of the right to self-determination to the future actions of a Congress which has historically given very little time and interest to the solution of a problem of which it is ignorant and about which it has stated imperialist positions on more than one occasion.

The right approach was proposed by Representative Ronald Dellums some years ago. His project was titled "Bill to Confer Sovereign Powers to the Commonwealth and to Provide for The Self-Determination of Puerto Rico". We include a copy of said document along with this statement for your consideration and we formally request that it be part of the official records for the deliberations of this Committee.

According to the terms of Section 1 of said project, it is

declared that it will be the policy of the United States Congress to respect the sovereign rights of the Puerto Rican nation. Congress also acknowledges that Puerto Rico is a Caribbean and Latin American nation with full rights to its political self-determination.

In Section 2 of said project it is established that Congress shall proceed to transfer the political powers which the three powers of the United States Government hold over Puerto Rico at present. Said powers, as described in Title II of the project, would be bestowed to a Constituent Assembly. The Constituent Assembly is empowered to deliberate and approve the political body which will later negotiate with the United States Government all the aspects of the chosen procedure required by the bilateral agreement of both nations.

Title III of the project instructs that a Negotiating Commission of the United States and Puerto Rico be created. The negotiators for Puerto Rico would be designated by the Constituent Assembly, while the United States counterpart would be chosen by the President of the United States, in counsel with the congressional leaders.

The Congress of the United States cannot carry out processes of free political determination in a territory under its absolute power and control as the present bill points out. Since 1977 the Puerto Rican Bar Association concluded that "the unconditional presence of United States military bases in Puerto Rico, the massive federal aid through programs of social welfare, and the lack of powers of the people over its natural resources, such as it

stands today, decidedly affect the process of free determination..."

If we are truly talking about and act of free determination and acknowledgement of Puerto Rico's sovereignty, then it follows that the liberation of the Puerto Rican political prisoners is in order, and that it be clearly established that only the persons born in Puerto Rico, and the off spring of parents born in Puerto Rico currently living in Puerto Rico shall have the right to vote. Finally, and adequate international supervision must be guaranteed throughout the process of self-determination.

If the above is not adequately attended to, the Puerto Rican community the international community, and the democratic conscience of the United States people will conclude that this is a fake process which merits no respect.

The members of The Congreso Nacional Hostosiano have a firm and unwaivable compromise to achieve Puerto Rico's independence, and we are absolutely sure of our final victory, with the support of the United States Congress, or without it.

We Puerto Ricans would like that the imperialist prepotency and arrogance which accompany in the acts of this sub-committee will not bring further division and anxiety to our country.



MAR 1 1996

Government of Puerto Rico
House of Representatives

Honorable
Zaida Hernández Torres
Speaker

March 1-1996

Hon. Elton Gallegly
Chairman
Subcommittee on Native American
and Insular Affairs
U.S. House of Representatives

Hon. Congressman:

I have had the opportunity to peruse your Committee response to Concurrent Resolution 62. I wish to express my deep appreciation of the effort made to respond to the Legislature and people of Puerto Rico, and of the obvious dedication and hard work that was put into analyzing the alternatives to solving Puerto Rico's status problem.

With Concurrent Resolution 62 the Puerto Rico Legislative Assembly was seeking precisely to address to Congress our people's just claim, to be told whether our aspirations for self government will be granted, and how will it happen.

Your Committee have acted responsibly and performed a sterling service to the people of Puerto Rico and to American Democracy, under the Right to Redress for Citizens' Grievances.

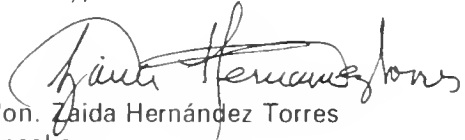
We are pleased that the analysis of the claims for "enhancements to Commonwealth" has yielded the obvious result that the proposal presented before the voters was misleading and utopian. It was highly unfair to the people of Puerto Rico to promise them an ideal status full of privileges and prerogatives, without the corresponding responsibilities, and without any sense of what the possible consequences might be.

The process proposed in this bill is highly fair open and honest. It provides realistic alternatives and an implementation procedure that ensures the self-determination of the Puerto Rican people. We will be able to choose between the

Permanent Union to the United States and a separate full Puerto Rican sovereignty. It provides for consultation of the people as the transition process goes along. The alternatives offered will be permanent, valid under the United States Constitution and International Law, and will invest our people with true sovereignty, unlike the current so-called Home Rule under Commonwealth.

As speaker of the House, I welcome this response on behalf of the Legislative Assembly. We stand ready to work hand in hand with your Committee in all activities necessary to carry out the proposals in this bill and initiate the definitive solution to Puerto Rico's colonial problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Zaida Hernández Torres". The signature is fluid and cursive, with a large initial "Z" and a long horizontal stroke extending across the middle of the name.

Hon. Zaida Hernández Torres
Speaker
Puerto Rico House of Representatives



Luis A. Ferré
San Juan, Puerto Rico

Former Governor of Puerto Rico

March 12, 1996

The Honorable Don Young
Chairman
Committee on Resources
U. S. House of Representatives
Washington, D. C. 20515

Dear Congressman Young:

Thank you for your letter of February 14, 1996 enclosing the recent published book, "Hispanic Americans in Congress", which certainly shows that Puerto Rico has been close to Congress for many years, demanding, first, Puerto Rico's right to U. S. citizenship and, next, its incorporation as a state of the Union.

This was the original position of Commissioner Federico Degetau, representing the Republican Party of Puerto Rico in 1900.

Later on, Commissioner Tulio Larrinaga raised the issue of the non-compliance of Congress with its promises and insisted in requesting U. S. citizenship for Puerto Rico. Commissioner Muñoz Rivera, also, insisted in maintaining that Congress had not kept the promises for Puerto Rico and, finally, voted for U. S. citizenship, which was granted in 1917. Puerto Ricans understood that this was an implicit promise for statehood. Later, Santiago Iglesias introduced a statehood bill. Finally, Bolívar Pagán, Jorge Luis Córdova Díaz, and Baltasar Corrada del Río were all statehood advocates.

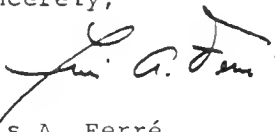
We are very happy and, indeed, deeply grateful to you for drafting Bill, H.R. 3024, which you have introduced in Congress, as Chairman of the Native American Insular Affairs Subcommittee, which finally opens the road to Puerto Rico to make a decision on its ultimate political status, including statehood as an alternative, which was the implicit understanding under which the people of Puerto Rico welcomed the American forces of General Miles in 1898.

PO Box 366108 San Juan Puerto Rico 00936-6108 Tel (809)793-4040

The Honorable Don Young
Page 2
March 12, 1996

Thank you very much, Congressman Young, for your brilliant leadership in trying to settle the status problem of Puerto Rico in the dignified manner that becomes the United States Congress and the people of the United States.

Sincerely,

A handwritten signature in cursive script, appearing to read "Luis A. Ferré". The signature is written in dark ink and is positioned above the printed name.

Luis A. Ferré

MAR 20 1996

*The Governor of Puerto Rico*

March 13, 1996

The Honorable Elton Gallegly, M.C.
Chairman, Subcommittee on Native American and Insular Affairs
U.S. House of Representatives
1522 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of March 8, and please accept my congratulations for your co-sponsorship of H.R. 3024, the *United States-Puerto Rico Political Status Act*. This bill, I believe, constitutes a clear and commendable response to my October 17, 1995 testimony in Washington, D.C. before a joint hearing of your Subcommittee and the House Subcommittee on the Western Hemisphere.

You may recall my exhortation on that occasion; I spoke the following words, in reference to Puerto Rico's political status plebiscite of November 14, 1993:

I urge that you reaffirm the long-standing commitment of the Congress of the United States to Puerto Rican self-determination; reaffirm that commitment by formally advocating that self-determination be exercised without delay, in a permanently definitive manner.

Just five months later, that call has been emphatically answered.

I salute you for the leadership and for the statesmanship that you have exhibited by co-sponsoring legislation that upholds the highest principles of authentic self-determination: H.R. 3024 offers the people of Puerto Rico a responsible, dignified, eminently-viable mechanism for emerging at last from the bottomless quagmire of indefiniteness with which we have grappled throughout the entire 98 years of United States sovereignty over our territory.

In accepting your invitation to present testimony when your Subcommittee on Native American and Insular Affairs conducts its March 23 hearing on the *United States-Puerto Rico Political Status Act*, I extend kindest regards and shall look forward to greeting you personally next week in San Juan.

Sincerely,

A handwritten signature in cursive script that reads "Pedro Rosselló".

Pedro Rosselló

MAR 20 1996

P. O. Box 1447
Ponce, Puerto Rico 00733-1447
March 4, 1996

Hon. Rep. Elton Galegly
U. S. House of Representative
Washington, DC 20515

Hon. Rep.:

We are proud to present our sincere wish that the people's
choice be divided into these three political conclusions for the
true expression of our democracy:

Statehood

Associated Republic

Complete Independence

Thank you.

Magdalena Mercado *crega* Sincerely yours,

Miriam Almodovar

Elmer Pérez Rojas

Evelyn Santiago de Jesús

Luz M. Cuevas Vega
Sol A. Zorrest Batista

Providencia Pacheco Torres

Luis A. Rodríguez Ortiz

Ligia Cordero

Miriam Lopez Ortiz

MIRIAM ALMODOUAR

Janet A. Hoff

Rafael Luis Acea

Miriam Rojas de Almodovar

H. M. R.

Don Pepe Aguila
504 64 5054

Luz A. Cortez Pina

Quity Acevedo Ryan

Luis E. Lora

**REPUBLICA ASOCIADA
 PUERTO RICO "PRIMERA REPUBLICA
 ASOCIADA DE LOS ESTADOS UNIDOS"
 CUARTA OPCION AL STATUS EN ISSUE
 UNICO CREADOR: MANUEL E. ROMAN VALENTIN - REPUBLICANO**

APARTADO 417 MAYAGUEZ, PUERTO RICO -00681 TEL. (809)-834-2764

January 23, 1996

The honorable Don Young
 United states House of
 Representatives
 Washington, D. C.

Sir:

RE: Hearings for February 1996
 Puerto Rico's Political Status
 in Puerto Rico

I respectfully request an opportunity to express the concepts of the ASSOCIATED REPUBLIC, the only democratic independence, to be included in this Congressional Hearings.

Resolution 23 of Puerto Rico's Conventional Constitution of 1952, the people of Puerto Rico retains the right to propose and to accept modifications in mutual consent between the people of Puerto Rico and the United States of America in our relationship with the United states. Public Law 600 of 1950 recognizes our right toward the maxim of self government.

As the Chairman of this Congressional Hearings and Congress consider the appropriate course of action to a future plebiscite on Puerto Rico's political status, it is essential that the dignity and self respect of the people of Puerto Rico be a matter of the highest consideration to our future relationship with the United states.

Respectfully yours,



MANUEL ROMAN VALENTIN

**CANDIDATO A GOBERNADOR 1996 y PRESIDENTE DE PUERTO RICO
 NOMINACION DIRECTA**

**REPUBLICA ASOCIADA
 PUERTO RICO " PRIMERA REPUBLICA
 ASOCIADA DE LOS ESTADOS UNIDOS "
 CUARTA OPCION AL STATUS
 UNICO CREADOR: MANUEL E. ROMAN VALENTIN - REPUBLICANO
 APARTADO 417-MAYAGÜEZ, P.R. 00681- 417 - TEL. (787) 834-2764**

10 de marzo de 1996

Honorable Representante Don Young
 Presidente de la Comisión de Recursos
 de la Cámara de Representantes
 de los Estados Unidos
 Vistas en San Juan, Puerto Rico.

Estimado Representante Don young:

Ponencia en español sobre el status político
 de Puerto Rico el 23 de marzo de 1996

1) INTRODUCCION

Muy buenos días señor Presidente de la Comisión de Recursos de la Cámara de Representantes de los Estados Unidos de América y señores congresistas de esta Comisión.

Bienvenidos a Puerto Rico, " LA ISLA DEL ENCANTO " para celebrar vistas sobre el status político de Puerto Rico en nuestras relaciones políticas con los Estados Unidos de América.

TRATADO DE PARIS DEL DIA 10 DE DICIEMBRE DE 1898

Los Estados Unidos de América le pagaron a España VEINTE MILLONES DE DOLARES POR PUERTO RICO Y POR OTRAS ISLAS POSEIDAS POR ESPAÑA (Leyes Fundamentales de Puerto Rico, Nueva Edición Revisada, Página 118)

Mi nombre es MANUEL E. ROMAN VALENTIN, Aguadeño, Republicano, veterano de Korea y Vietnán. Pensionado con veintiocho (28) años de servicio militar y Guardia Nacional Aérea de Puerto Rico Y UNICO CREADOR DE LA REPUBLICA ASOCIADA. UNICA INDEPENDENCIA DEMOCRATICA.

El 6 de octubre de 1996 notifiqué a la Comisión Estatal de Elecciones mi CANDIDATURA para GOBERNADOR, NOMINACION DIRECTA, Y PRESIDENTE DE PUERTO RICO. " PRIMERA REPUBLICA ASOCIADA DE LOS ESTADOS UNIDOS, CUARTA OPCION AL STATUS, de ser la libre determinación del pueblo de Puerto Rico en las elecciones de noviembre de 1996.

2) El Estado Libre Asociado de Puerto Rico tiene forma de gobierno REPUBLICANA DE REPUBLICA: Poder Ejecutivo, Legislativo y Judicial. Tiene soberanía interna, derechos de constitución, de legislación, de gobierno, y de jurisdicción..

3) DEFINICION DE " COMMONWEALTH ", REPUBLICA
 " THE COMMONWEALTH OF PUERTO RICO ", REPUBLICA DE PUERTO RICO pero en asociación permanente con los Estados Unidos. Obligaciones y deberes, como puertorriqueños y ciudadanos americanos, en nuestras relaciones políticas con los Estados Unidos.

4) El concepto de la REPUBLICA ASOCIADA es sometido a ustedes para su consideración y ser incluida en el próximo plebiscito. La soberanía actual (REAL) de Puerto Rico estará en los Estados Unidos como ciudadanos americanos hasta que el pueblo de Puerto Rico la renuncie.

5 DEFINICION BASICA DE LA REPUBLICA ASOCIADA EN " ISSUE " EN EL 96

PUERTO RICO " PRIMERA REPUBLICA ASOCIADA DE LOS ESTADOS UNIDOS
 UNICA INDEPENDENCIA DEMOCRATICA, HASTA QUE PUERTO RICO SEA ESTADO 51
 O HASTA QUE SE RENUNCIE LA CIUDADANIA AMERICANA HACIA UNA INDEPENDENCIA
 ABSOLUTA. CUARTA OPCION AL STATUS EN LAS ELECCIONES DE NOVIEMBRE DEL 96.

EL GOBERNADOR SE CONVERTIRIA EN PRESIDENTE DE PUERTO RICO. ELECCIONES
 PRESIDENCIALES CADA CUATRO (4) AÑOS). EL VOTO PRESIDENCIAL Y VICEPRESIDENTE DE
 LOS ESTADOS UNIDOS DE SER APROBADO POR EL CONGRESO.

NUESTRAS DOS NACIONES , PRESIDENTES, CONSTITUCIONES , IDIOMAS,
 CIUDADANIA COMUN, MONEDA, MERCADO, SEGURIDAD Y DEFENSA COMUN, BASES
 MILITARES. EL ESTADO LIBRE ASOCIADO A SU MAXIMO DESARROLLO POLITICO Y
 ECONOMICO, DE SER LA LIBRE DETERMINACION DEL PUEBLO DE PUERTO RICO.

6) OTRAS DEFINICIONES

El derecho político del pueblo de Puerto Rico a retener o a renunciar la ciudadanía de los Estados Unidos de América. El derecho político de los ciudadanos de los Estados Unidos con residencia en Puerto Rico por un año a retener o a renunciar la CUIDADANIA PUERTORRIQUEÑA, Ley Jones de 1917). Artículo 5, Nuevo artículo insertado por Ley del Congreso de 4 de marzo de 1927)

7) RESOLUCION NUMERO 23 DE LA CONVENCION CONSTITUYENTE DE PUERTO RICO de 1952:

El pueblo de Puerto Rico retiene el derecho de proponer y aceptar modificaciones en los términos de sus relaciones con los Estados Unidos de América, de modo que éstas en todo tiempo sean la expresión de acuerdo libremente concertado entre el pueblo de Puerto Rico y los Estados Unidos de América.

8) La Ley Pública 600, aprobada el 3 de julio de 1950 autorizó al pueblo de Puerto Rico a organizar una forma republicana de gobierno de acuerdo con una constitución de su propia selección, con la naturaleza de un " convenio ". También reconoció el derecho que el pueblo de Puerto Rico tiene al gobierno propio. Fue aprobada por el pueblo de Puerto Rico en el referendun de 4 de junio de 1951. La Ley 600 fue firmada por el Presidente de los Estados Unidos Harry S. Truman.

9) En 1952 PUERTO RICO, EL ESTADO LIBRE ASOCIADO DE PUERTO RICO, se convirtió en una REPUBLICA ASOCIADA DE LOS ESTADOS UNIDOS bajo las definiciones de REPUBLICA y de "commonwealth", como puertorriqueños y ciudadanos de los Estados Unidos .

10) DEFINICIONES DE REPUBLICA (ENCYCLOPEDIA AMERICANA (página 391, volumen 23)

a) Forma de gobierno en que el poder de soberanía reside en el pueblo sea un cuerpo integro de ciudadanos activos o con mayoría de ellos. Cuaquier gobierno organizado de esta forma es considerado una república. El pueblo puede tener soberanía formal y no soberanía actual (REAL.

b) La forma de gobierno republicana puede existir con un mínimo de libertad actual e igualdad. (Puerto Rico tiene forma de gobierno republicana: Poder Ejecutivo, Legislativo y Judicial).

c) REPUBLICA. También se refiere a cualquier estado que fue commonwealth. (Encyclopeda Americana, a,b y c) página 391, volumen 23, incluyendo la definición de COMMONWEALTH))

d) Pais o región en el cual el poder ejecutivo del estado y los miembros de la legislatura son elegidos por el pueblo. Actualmente la mayoría de la naciones del mundo, incluyendo a los Estados Unidos y Rusia, son repúblicas (NUEVA ENCICLOPEDIA STANDARD, página R. 173)

11) La investidura de la ciudadanía americana no alteró el "treaty status" de Puerto Rico ni tampoco tuvo como consecuencia su incorporación a la Union. Su efecto recayó sobre las personas no sobre el territorio Decisión del Tribunal Supremo, Caso Balzac VS. people of Puerto 258, U.S. 298 (1922).

12) PROYECTO DE LEY DE INDEPENDENCIA PARA PUERTO RICO DE 1936

REFERENDUM: INDEPENDENCIA SI O NO en noviembre de 1937.

El 24 de febrero de 1936 el Senador Tydings presentó en el Senado de los Estados Unidos este proyecto ofreciéndole a Puerto Rico la independencia en alternativa con el status quo colonial.

a) De triunfar la independencia se crearía un "COMMONWEALTH OF PUERTO RICO "

b) A los seis (6) meses de inaugurado el " commonwealth los ciudadanos de los Estados Unidos residentes en Puerto Rico y todos los naturales de Puerto Rico nacidos en Puerto Rico, tendrían que escoger entre ser ciudadanos de Estados Unidos o de Puerto Rico.

c) después de cuatro (4) años de establecido el " commonwealth de 1937 se reconocería a Puerto Rico como una república independiente: PRIMER REFERENDUM ABORTADO.

13) ACTA DE LA ESTADIDAD PARA PUERTO RICO DE 1977 Y OTROS PROPOSITOS

Se sometió el 14 de enero de 1977 por el Presidente de los Estados Unidos, Gerald R.Ford. Fué aprobada por El Senado y la Cámara de Representantes ofreciéndole al pueblo de Puerto Rico la estadidad , bajo la Constitución de los Estados Unidos, si el pueblo la deseaba y de ser la libre opción del pueblo de Puerto Rico. (se incluye)

14) Desde 1952 al presente todas las elecciones generales han sido plebiscitarias. Los Presidentes de los partidos políticos de la estadidad, estado libre asociado e independencia (socialista o comunista) han sido los únicos candidatos para gobernador de Puerto Rico. Solicitan donativos para sus formulas de status. Dichas formulas no han estado en " ISSUE " desde 1952 al presente.

15) El pueblo de Puerto Rico ha expresado su libre determinación hacia las tres formula de status. en las elecciones desde 1952 al presente. Cualquier independencia renunciandose la ciudadanía de los Estados Unidos sería rechazada por la gran mayoría del pueblo de Puerto Rico.

16) PLEBISCITO DE 1993.

a) Fué un engaño al pueblo de Puerto Rico y al Congreso de los Estados Unidos y discriminación política. No se incluyó la única independencia democrática, REPUBLICA ASOCIADA, PUERTO RICO " PRIMERA REPUBLICA ASOCIADA DE LOS ESTADOS UNIDOS ", CUARTA OPCION AL STATUS.

b) No fué un mandato al Congreso de los los Estados Unidos. No obtuvo mayoría del cincuentuno porciento (51 %), o más.

c) Fué una violación a la RESOLUCION NUMERO 23 DE LA CONVENCION CONSTITUYENTE DE PUERTO RICO. NO SE INCLUYO LA CUARTA OPCION AL STATUS

16) PUERTO RICO ES UNA NACION CON SU CIUDADANIA PUERTORRIQUEÑA.

NACION: Conjunto formado por individuos a los que la unidad de territorio de origen e historia, de cultura, de costumbres o de idioma inclina a la comunmidad de vida y crea la conciencia de un destino común. (Diccionario Enciclopédico VOX

17) CUIDADANIA PUERTORRIQUEÑA RECONOCIDA POR LA LEY JONES DE 1917

Todos los ciudadanos de los Estados Unidos que han residido o que en lo sucesivo residieren, en la isla por un año, serán ciudadanos de Puerto Rico.(Artículo 5, nuevo artículo incertado por Ley del Congreso de 4 de marzo de 1927)

18) CIUDADANIA DE LOS ESTADOS UNIDOS, LEY JONES DE 1917

Toda persona nacida en Puerto Rico en o después del 11 de abril de 1899, sujeta a la jurisdicción de los Estados Unidos, que en la fecha en que esta Ley entre en vigor resida en Puerto Rico u otro territorio bajo la soberanía de los Estados Unidos y que no sea ciudadana de los Estados Unidos, bajo cualquier otra ley, se declara por la presente ciudadana de los Estados Unidos (Ley de Nacionalidad de 1940-Pública N° 853- Congreso 76-aprobada el 14 de octubre de 1940, para comenzar a regir noventa días después-Artiículo 202))

Muchísimas gracias por haberme concedido este turno para deponer sobre el status político en nuestras relaciones políticas con los Estados Unidos.



DEPONENTE, MANUEL ROMAN

CREADOR DE LA REPUBLICA ASOCIADA

members of tropical genera or of tropical families. Some migrant genera that once enjoyed an almost cosmopolitan distribution, failed to survive in northern climes where only their fossil remains acquaint us with the extent of their former range.

Bibliography.—Pope, C. H., *Turtles of the United States and Canada* (New York 1939); Smith, H. M., *Handbook of Lizards of the United States and Canada* (Ithaca, N.Y., 1946); Schmidt, K. P., and Davies, D. B., *Field Book of Snakes of the United States and Canada* (New York 1941); Bogert, C. M., "Amphibians and Reptiles of the World," vol. 2, *The Animal Kingdom* (New York 1954); Lord, R. L. E., *British Reptiles and Amphibians* (London 1954); Rose, W., *Reptiles and Amphibians of Southern Africa* (London 1954); Pope, C. H., *Reptile World* (London 1956).

ARTHUR LOVENICE.

REPUBLIC, a form of government in which sovereign power rests with the people, either with the entire body of active citizens or with a major part of it. On the basis of popular sovereignty, the government is exercised by directly or indirectly elected magistrates or representatives. Any government which is organized in this form is considered a republic even though the people may hold only formal and not actual sovereignty.

The degree of popular sovereignty and of the participation of the people in the governmental process varies considerably from one republic to another and even within the same republic at the different periods of its development. The republican form of government may exist with a minimum of actual freedom and equality; suffrage and franchise may be confined to a relatively small section of the population, and the republican institutions (assemblies, parliaments, councils, elections, etc.) may in reality be dominated by powerful factions, social classes, even individuals. A republic, therefore, may or may not be a democracy.

Changing Meanings of Republic.—In the political tradition of the West, prior to the American and French revolutions, the term republic could refer to any state which was a commonwealth. That is to say, which was not ruled by a tyrant or despot but was governed in the common interest rather than in the interest of one person or clique. In this sense of commonwealth, a monarchy or an aristocracy could be called a republic if the government created and promoted the common interest and welfare, and the term could be applied to states in which political rights were greatly restricted. Thus Jean Bodin, one of the most influential political theorists of the 16th century, discussed under the title "republic" the monarchy, the aristocratic, and the popular state. Baron de La Brède et de Montesquieu, in *L'Esprit des Lois* (*Spirit of the Laws*, 1748), defined a republican government as a state in which "either the collective body of the people, particular families should be possessed of the supreme power." It is only at the time of the American and French revolutions that republic acquired the connotation of a free state with constitutionally defined and guaranteed civil rights and liberties of the individual, and only during the 19th and early 20th century were the manifold restrictions of the suffrage legally abolished in the advanced countries of the Western world. The change in the meaning of the term reflects the development of freedom in modern civilization. The following historical stages may illustrate this process by discussing the stages and types of republicanism.

Greece.—The title of the first work in systematic political philosophy, Plato's *Politeia* (written in the first half of the 4th century B.C.) is translated as *Republic*. In this work, Plato develops his conception of a good society: a rigidly organized city state, ruled by a military and intellectual aristocracy, culminating in a philosopher-king. The people, those who have to work for the necessities of life, have no political rights. Nothing could be farther removed from the modern idea of a republic—and still, the title is justified, for the whole rigid hierarchy is devised to insure the stability and the welfare of the whole rather than of any specific group or person. Each member of the state is supposed to perform only that function which is best suited to his character and ability. Political inequality to Plato corresponds to the natural inequality of human faculties and needs. The latter justifies the former and the few who know how to rule best must rule the many in the interest of all. Plato's *Republic* is therefore a critique of the egalitarian Athenian democracy of the Periclean period where the common people ruled, according to Plato, such a state could not properly be called a republic, for the welfare of all could not thus be preserved.

The classical Greek city states of the 5th and 4th centuries B.C. may be called republics insofar as the government was normally and directly elected by "the people," but within this general framework such wide differences prevailed as that between the egalitarian democracy of Periclean Athens and the aristocratic-military oligarchy of Sparta. Everywhere, "the people" constituted only a part of the adult population—a minority even in democratic Athens—slaves, resident aliens, and women were not considered citizens with political rights. The fact that the Greek city states developed on the basis of an unfree population sharpened the conflict among the various factions of the small citizen body, especially between the aristocratic and democratic groups, and added internal to national disunity. Violent competition for the hegemony of Greece and for power within the city state led to constant warfare, until the Greek city-states succumbed to the Macedonian conquerors (338 B.C.). The weak remnants of local independence granted by the Macedonian kings were finally lost when the Romans defeated the last alliance of Greek states in 146 B.C.

Rome.—At the very time of the Roman conquest of Greece, the Roman republic itself entered the phase of its final crisis. It was Rome which created the idea as well as the reality of the republic as a specific form of the state. The word is derived from the Latin *res publica*, meaning something which pertains (belongs) to the people, which is the common concern (cause) of the people. The term thus contrasts with *res privata* or *familiaris*, that which is a private or family matter and concern. The fact that the Roman state in its history-making form emerged after the overthrow of the early kingship (about 510 B.C.) determined the definition of "republic" as opposed to monarchy and despotism: the rule of the kings was regarded as government in the interest of a (private) person or family rather than in the common interest of the people. But the republic, which originated in the overthrow of the monarchy and which became the pride and greatness of Rome did not have any democratic connotation. The kingship was overthrown by the aristocracy, and during its almost four hundred

reproof

duced, reproducing. To produce again or anew; to renew the production of; to generate, as offspring; to portray or represent; to bring to the memory or imagination.—*reproducer, ré-pro-dù'ser, n.* One who or that which reproduces.—*reproduction, ré-pro-dùk'shon, n.* The act or process of reproducing; the process whereby new individuals are generated and the perpetuation of the species ensured; that which is produced or presented anew.—*reproductive, ré-pro-dùk'tiv, a.* Pertaining to reproduction; tending to reproduce.

reproof, ri-prôf', n. [O.F. *reproverus, reproof.*] The expression of blame or censure addressed to a person; blame expressed to one's face; censure for a fault; reprehension; rebuke; reprimand.

reprove, ri-prôv', v.t.—reproved, re-proving. [Fr. *reprover, to blame, to censure; O.Fr. reprover, from L. reprobare. REPROBARE.*] To chide; to reprehend; to express disapproval of (to *reprove* sins); to serve to admonish.—*reprovable, ri-prô'va-bl, a.* Worthy of being reproved; deserving reproof or censure.—*reproval, ri-prô'val, n.* Act of reproving; admonition; reproof.—*reprover, ri-prô'ver, n.* One that reproves.—*reprovingly, ri-prô'ving-ly, adv.* In a reproving manner.

repulse, rep'ül, a. [Fr. *repulse, from L. repulis, creeping, from repo, reptum, to creep; akin to serpo, to creep. SERPENT.*] Creeping; moving on the belly, or with small, short legs; groveling; low; mean; vile.—*n.* In a general sense, an animal that moves on its belly, or by means of small, short legs; a crawling creature; specifically, *zoöl.* an animal belonging to the class *Reptilia*; a groveling, abject, or mean person.—*repulsa, rep'ül-i-an, a.* Belonging to the class of reptiles.—*n.* An animal of the class *Reptilia*; a reptile.

republic, ri-pub'lik, n. [Fr. *république, L. respublica—res, an affair, interest, and publica, fem. of publicus, public. REAL, PUBLIC.*] A commonwealth; a political community in which the supreme power in the state is vested either in certain privileged members of the community or in the whole community, and thus varying from the most exclusive oligarchy to a pure democracy.—*Federal republics, of which the United States and Switzerland are examples, consist of a number of separate states bound together by treaty, so as to present the aspect of a single state with a central government, without wholly renouncing their individual powers of internal self-government.—republican, ri-pub'li-kan, a.* Pertaining to or having the character of a republic; consonant to the principles of a republic.—*n.* One who favors or prefers a republican form of government; [*cop.*] a member of the Republican party in U. S. politics.—*Red Republican. RED.—republicanism, ri-pub'li-kan-izm, n.* Republican system of government; [*cop.*] principles and

policies of the Republican party (U.S.); republican principles.

republish, ré-pub'lish, v.t. To publish anew; to publish again, as in a new edition.

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repudiate, ri-pü'di-ät, v.t.—repudiated, repudiating. [L. *repudia, repudium, to divorce, to cast off, from repudium, a casting off, a divorce.*] To cast away; to reject; to discard; to disavow; to divorce; to refuse to acknowledge or to pay, as debt.—*repudiation, ri-pü'di-ä'shon, n.* [L. *repudiatio.*] The act of repudiating; rejection; disavowal; divorce; refusal on the part of a government to pay debts contracted by a former government.—*repudiator, ri-pü'di-ä-tér, n.* One who repudiates.

repugnance, repugnancy, ri-pug'nans, ri-pug'nans-i, n. [Fr. *répugnance; L. repugnans, from repugno, to resist—re, against, and pugno, to fight. PUGNACIOUS.*] The state of being opposed in mind; feeling of dislike for some action; reluctance; unwillingness; opposition in nature or qualities; contrariety.—*repugnant, ri-pug'nant, a.* [L. *repugnans, repugnans, ppc. of repugno.*] Standing or being in opposition; contrary; at variance: usually followed by *to* (a statement *repugnant* to common sense); highly distasteful; offensive (a course *repugnant* to him).—*repugnantly, ri-pug'nant-ly, adv.*

repulse, ri-puls', n. [L. *repulsa, from repello, repulsion—re, back, and pullo, to drive. REPEL.*] The condition of being repelled or driven back by force; the act of driving back; a check or defeat; refusal; denial.—*v.t.—repulsed, repulsing.* To repel; to drive back; to refuse; to reject.—*repulser, ri-puls'ér, n.* One that repulses.—*repulsion, ri-pul'shon, n.* [L. *repulsio.*] The act of repelling; physics, a term often applied to the action which two bodies exert upon one another when they tend to increase their mutual distance.—*repulsive, ri-pul'siv, a.* Acting so as to repel; exercising repulsion; tending to deter or forbid approach or familiarity; repellent; forbidding.—*repulsively, ri-pul'siv-ly, adv.* In a repulsive manner.—*repulsiveness, ri-pul'siv-nes, n.*

repurchase, ré-pér'ches, v.t. To buy back; to regain by purchase.—*n.* The act of buying again; a new purchase.

repute, ri-püt', v.t.—reputed, reputing. [Fr. *réputer, from L. reputo, to count over—re, and puto, to reckon, to estimate (as in compute, impute, etc.). PUTATIVE.*] To hold in thought; to reckon, account, or consider as such or such; to deem.—*n.* Reputation; character, attributed by public report, especially good character; honorable name.—*reputed, ri-püt'ed, p. and a.* Generally considered; commonly believed, regarded, or accounted.—*reputedly, ri-püt'ed-ly, adv.* In common opinion or estimation.—*reputable, rep'ü-ta-bl, a.*

Being in good repute; held in esteem; not mean or disgraceful.—*reputably, rep'ü-ta-bl-ly, adv.* In a reputable manner.—*reputation, rep'ü-tä'shon, n.* [L. *reputatio.*] Character by report; opinion of character generally entertained; character attributed; repute; in a good or bad sense; often favorable or honorable regard; good name.

request, ri-kwest', n. [O.F. *requesta* (Fr. *requête*), from L. *requiro, a thing required, a want, from requiro, requisitum—re, again, and quæro, quasitum, to seek. QUEST.*] The expression of desire to some person for something to be granted or done; an asking; a petition, prayer, entreaty; the thing asked for or requested; a state of being esteemed and sought after, or asked for (an article in much request). *Request* expresses less earnestness than *entreaty* and *supplication*; and supposes a right in the person requested to deny or refuse to grant, in this differing from *demand*.—*v.t.* To make a request for; to solicit or express desire for; to express a request; to ask.

Requiem, ré'kwî-em, n. [Acc. case of L. *requies, rest, respite, relaxation—re, again, and quies, rest, repose.*] [usually *cap.*] A funeral dirge or service, containing the words 'Requiem æternam', etc., sung for the rest of a person's soul; a grand musical composition performed in honor of some deceased person.

require, ri-kwîr', v.t.—required, requiring. [O.F. *requerre, requerre, requirre* (Fr. *requérir*), from L. *requiro, requirere, to ask for. REQUEST.*] To demand; to ask as of right and by authority; to insist on having; to ask as a favor; to call upon to act; to request; to have need or necessity for; to need or want (the matter *requires* great care, we *require* food); to find it necessary; to have to: with infinitives (you will *require* to go).—*requirement, ri-kwîr'ment, n.* The act of requiring; demand; that which requires the doing of something; an essential condition; something required or necessary.—*requisite, rek-wî-zit, a.* [L. *requisitus, from requiro.*] Required by the nature of things or by circumstances; necessary.—*n.* That which is necessary; something indispensable.—*requisitely, rek-wî-zit-ly, adv.* In a requisite manner; necessarily.—*requisiteness, rek-wî-zit-nes, n.—requisition, rek-wî-zish'on, n.* [L. *requisitio.*] An application made as of a right; a demand; a demand for or a levying of necessities by hostile troops from the people in whose country they are; a written call or invitation (a *requisition* for a public meeting); state of being required or much sought after; request.—*v.t.* To make a requisition or demand upon.

requite, ri-kwî't', v.t.—requited, requiting. [From *re, back, and quit. QUIT.*] To repay either good or evil: in a good sense, to recompense or reward; in a bad sense, to retaliate on.—*requiter, ri-kwî'tér, n.* One

âte, âr, âre, far, fâll; mé, met, hér; pine, pin; nûte, not, nôve; tûbe, tub, bûll; oil, pound.

FOR IMMEDIATE RELEASE

JANUARY 14, 1977

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE

JANUARY 14, 1977

Dear Mr. Speaker: (Dear Mr. President:)

I submit herewith to the Congress the Puerto Rico
Statehood Act of 1977.

The purpose of the Act is to extend to the people of
Puerto Rico the opportunity to achieve the status of
statehood if they should so desire.

Since 1900, Presidents and Congresses have debated the
question of statehood for Puerto Rico.

Some progress has been made in providing the people of
Puerto Rico with greater autonomy and a greater measure
of self-government. But these great people are still
not represented with a vote in either the House or Senate.
They are still not represented in the election of a
President.

Full equality for the people of Puerto Rico cannot come
without full representation.

The social and economic progress to which they aspire
cannot come without the political equality of statehood.

{ Any change in the status of the Commonwealth must be }
accomplished by the mutual consent of the people of }
Puerto Rico and the United States.

{ As Congress considers the appropriate course of action }
relating to the permanent status of Puerto Rico, it is }
essential that the dignity and self-respect of the great }
people of Puerto Rico be a matter of the highest }
consideration.

Accordingly, the legislation I propose would establish,
within the framework of the United States Constitution
and the Constitution of the Commonwealth of Puerto Rico,
a sequence of steps reflecting the historic procedures
by which present states entered the Union, while recog-
nizing the special circumstances of the Commonwealth of
Puerto Rico and the aspirations of the citizens of the
Commonwealth.

First, in recognition of the fact that statehood
for Puerto Rico would require the resolution of
many complex issues, Congress would establish a
Joint U.S.-Puerto Rico Commission to enable the
people of Puerto Rico to participate effectively
in determining the terms and conditions for Puerto

Rico's proposed admission to statehood. By providing a forum for the reaching of a broad understanding of the issues and implications involved in admission to the Union, this Act would ensure that the advantages and disadvantages and the rights and responsibilities of statehood are fully presented to the people of Puerto Rico -- before deciding whether their Commonwealth should become a state.

Second, Congress, after receiving the Commission Report, would set the terms and conditions of statehood.

Third, the Act provides for an island-wide referendum among the people of Puerto Rico on whether the Commonwealth should become a state.

Fourth, the Act proposes that if the referendum passes, delegates to a Constitutional Convention will meet to frame a Constitution for the proposed state.

Fifth, the new constitution would be presented to the people of Puerto Rico for ratification.

Sixth, the proposed State constitution, if ratified, would be submitted to the President of the United States and to Congress for approval.

Seventh, upon approval of the proposed Constitution, the voters of Puerto Rico would elect two Senators and five Members of the House of Representatives.

Eighth, the Governor of Puerto Rico would certify the results of the election to the President, and the President would proclaim Puerto Rico a state.

After more than three-quarters of a Century of discussion about Puerto Rico, it is time to act and act positively. By passage of this Act the representatives of the people of the 50 States will say to the people of Puerto Rico: Join us as equals.

I urge the Congress to act.

Sincerely,

GERALD R. FORD

MM New York Times *april* - Sunday March 24

Hearing Weighs New Plebiscite on Puerto Rico

By The New York Times

SAN JUAN, P.R., March 23 — Opening another chapter in the long and complex relationship between this island territory and the United States, a Republican Congressman led a hearing today on a bill he said could bring either sovereignty or statehood to Puerto Rico by 2010.

Several hundred Puerto Ricans demonstrated outside the hearing at the Government Reception Center in Old San Juan, waving flags and holding placards, ranging from "statehood now" to "commonwealth forever." Inside, their political leaders defended their status preference before the often heated session of the House Subcommittee on Native American and Insular Affairs.

The hearing, led by Representative Don Young, Republican of Alaska, focused on a bill he filed two weeks ago to call a referendum in Puerto Rico before the end of 1998, the year that will mark a century of United States rule over the island, and ask voters to choose among statehood, sovereignty or free association. Free association would involve a pact between Puerto Rico and the United States, which could be terminated by either side.

The governing New Progressive Party, which favors statehood, has hailed the bill, which has the support of some 38 representatives, including Speaker Newt Gingrich.

Gov. Pedro J. Riuselló, the leader of the statehood movement, urged the subcommittee to remove the "stigma" of territorial status from Puerto Rico.

"Literally, for generations, we have been exerting ourselves — earnestly and in good faith — only to discover, again and again, that our body politic has been going around in circles," the Governor said in testimony before the subcommittee.

But the opposition Popular Democratic Party, which favors improving upon the existing commonwealth status, mounted an embittered response to the measure. Party leaders have accused Mr. Young, who is openly pro-statehood, of filing a bill that is weighted heavily in favor of the New Progressive Party.

Popular Democrats voiced anger at a bill calling for a new plebiscite when a plurality of voters chose commonwealth over statehood in a November 1993 status plebiscite held by the New Progressive Party Government. Commonwealth got 48.6 percent of the vote, narrowly defeating statehood by two percentage points. Independence finished third with 4.4 percent of the vote.

The president of the Popular Democratic Party, Hector Luis Acevedo, refused to participate in a new plebiscite in spite of Mr. Young's willingness to include a commonwealth definition, set by Congress, in a future

referendum.

"The Popular Democratic Party rejects this undemocratic bill, and in the unlikely event that it be approved, shall not participate in any such sham plebiscite as is tried to be imposed here," said Mr. Acevedo, who testified in Spanish before the English-speaking committee members "because it is the language of my people." Committee members listened via simultaneous translation.

The subcommittee held public hearings in Washington on the 1993 plebiscite results last fall. But in February Mr. Young and three other representatives said the referendum left the status issue "open and unresolved."

Mr. Young and other members of the subcommittee said they objected to the winning commonwealth definition because several aspects of it cannot be enforced. Among other things, the winning definition called for "irrevocable" United States citizenship, permanent union with the United States, and fiscal autonomy.

Commonwealth advocates generally hold that a bilateral agreement exists between Puerto Rico and the United States, under which the island

is self-governing, retains a separate cultural identity, and is exempt from paying federal taxes, among other points.

Statehood and independence advocates say the existing commonwealth status is tantamount to colonialism. Residents of Puerto Rico are governed also by federal law and courts, are subject to the military draft, and are still ineligible to vote in the presidential elections. The island of nearly four million residents elects one non-voting representative to Congress, the resident commissioner.

The Young bill makes clear that only statehood carries the guarantee of continued American citizenship and a permanent link to the United States.

If passed, the Young bill would enact the United States-Puerto Rico Political Status Act, calling on Puerto Ricans to choose statehood or sovereignty, either through free association with the United States or independence. If one of the options wins a majority of the vote, the island will undergo a transition phase of at least 10 years during which the status change must be ratified twice by Puerto Rican voters and Congress.

Bill to bring sovereignty or statehood to Puerto Rico by 2010 is introduced

New York Times

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Associated Press

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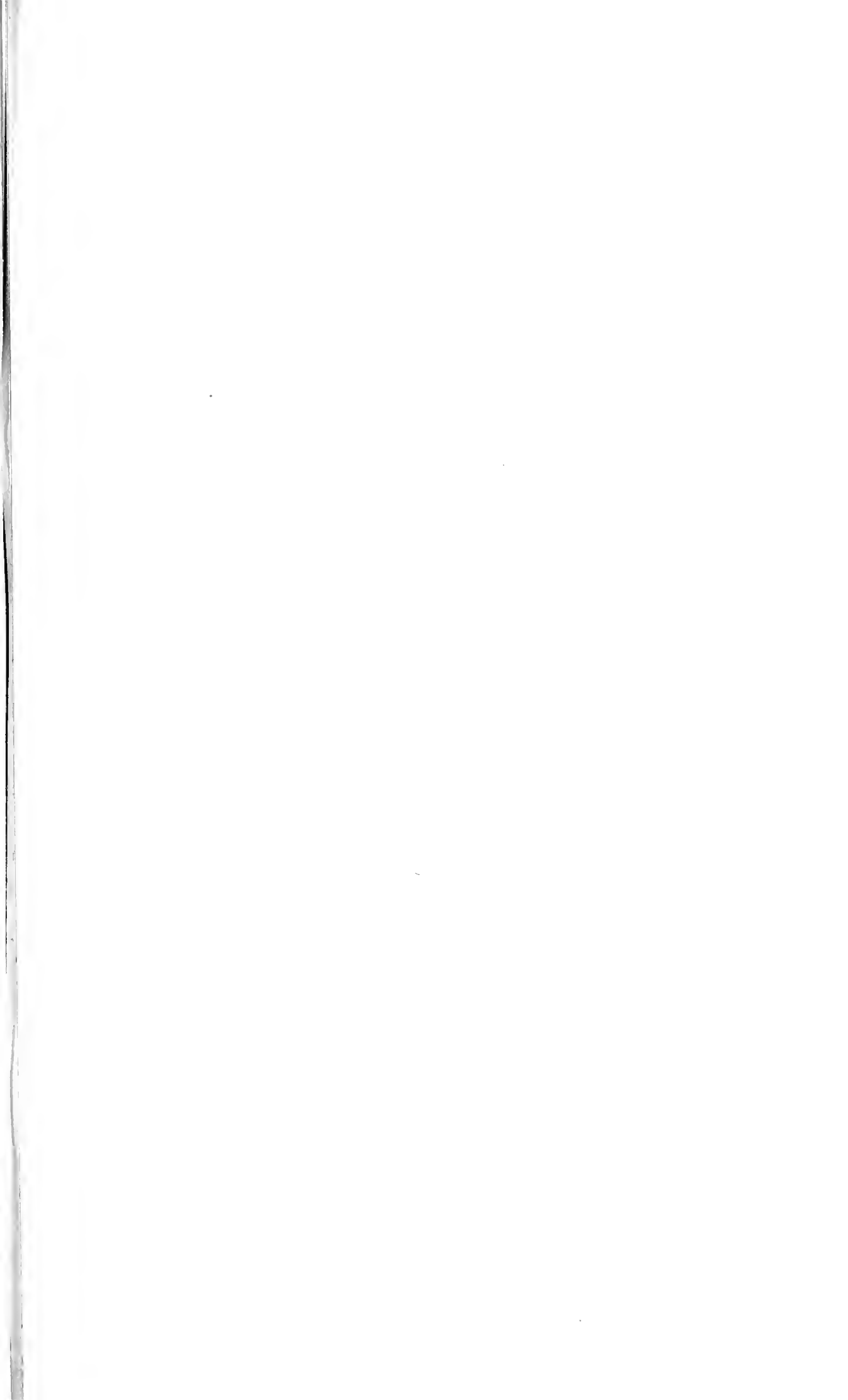
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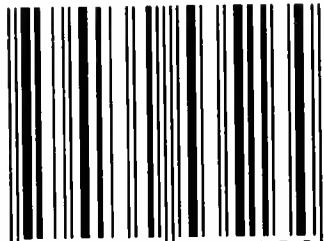
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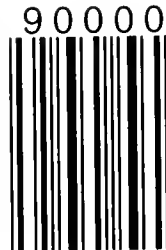
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