

PUERTO RICO SELF-DETERMINATION PART I

HEARING
BEFORE THE
SUBCOMMITTEE ON
INSULAR AND INTERNATIONAL AFFAIRS
OF THE
COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION
ON

H. Con. Res. 94

EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE EXPRESSION OF SELF-DETERMINATION BY THE PEOPLE OF PUERTO RICO

HEARING HELD IN WASHINGTON, DC

JULY 13, 1993

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H. CON. RES. 94, EXPRESSING THE SENSE OF CONGRESS REGARDING THE EXPRESSION OF SELF-DETERMINATION BY THE PEOPLE OF PUERTO RICO

TUESDAY, JULY 13, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:00 a.m. in Room 1324, Longworth House Office Building, Hon. Ron de Lugo (chairman of the Subcommittee) presiding.

Mr. DE LUGO. The Subcommittee on Insular and International Affairs will be in order.

I would like to welcome all of our distinguished visitors here today to this historic committee hearing room.

I would like to say that we have an overflow crowd, and we also have, for those who come later, there is a conference room behind this committee room that has speakers. So, for those who might not be able to get into the hearing this morning or this afternoon, because it is going to go on all day, we would invite them to use the conference room behind us, where they will be able to hear the proceedings. We will also probably invite some to sit here on the lower tier.

The Chair has an opening statement. Because of the importance of these hearings and because of the importance of the subject matter, which is certainly exemplified by the presence here of so many distinguished leaders of the people of Puerto Rico, I would like to read this opening statement.

OPENING STATEMENT OF HON. RON DE LUGO

Mr. DE LUGO. The principle of self-determination has long been a cornerstone of United States foreign policy. Around the world, we have embraced the cause of other peoples seeking to shape their own destinies. Comparatively speaking, we have had considerably more difficulty in dealing with self-determination as a governing principle in our relations with those political entities under the U.S. flag which are not States of the Union.

In the great era of decolonization following World War II, we gave critical support to the emergence of more than 50 new nations from the crumbling ruins of empires established around the globe by European colonizers.

We, too, had acquired colonies, most notably the Philippines and Puerto Rico as a consequence of the Spanish American War. After World War II, we acted quickly to redeem our promise to grant the Philippines their independence. Not long after, we acceded to the wishes of the people of Puerto Rico and entered into a new relationship termed a "Commonwealth" in English and "Estado Libre Asociado" in Spanish.

The essence of this new form of association was that Puerto Ricans enjoyed local self-government under a constitution of their own enactment, but stayed within the jurisdiction of the Federal Government with respect to many important aspects of governance.

It was not long before it became quite clear that this arrangement raised questions as to whether it met generally accepted international standards for self-determination. It was equally clear that many people in Puerto Rico did not accept that new status as a final determination of their choice of how they wished to be governed.

There were those in Puerto Rico who wished to perfect the commonwealth relationship with more local autonomy, with a firmly defined set of obligations to each other on the part of Puerto Rico and the Federal Union, and with a permanence that would parallel the permanence in the relationship between the States and Federal Union.

There were others who saw the commonwealth relationship, at best, a transitional step toward statehood and who regarded statehood as the only proper status for those who live as true U.S. citizens.

And there were yet others who believed that only through independence could the people of Puerto Rico become truly self-governing and retain their unique identity.

These conflicting views have been the central basis for virtually all partisan politics in Puerto Rico for the past several decades. Much serious and creative thought has been given to these issues by some of the best minds in Puerto Rico. And many other distinguished scholars of international law have weighed in with their contributions to the debate.

But beyond the wishes of the people of Puerto Rico, there is another significant factor which cannot be ignored, and it is the reason we are here today. The simple truth is that any choice for Puerto Rico which would result in an enhancement of commonwealth status or an evolution to statehood also involves the right to self-determination of the people of the United States.

If Puerto Rico and the United States are to be joined together in a new manner, it must be by mutual consent. And for *any* change to take place in the relationship between Puerto Rico and the United States, the Federal Constitution requires that Congress and the President must act to approve that change.

In response to the concern of Puerto Ricans and their friends on the mainland, as well as to persistent challenges from the international community, several national administrations have asserted that all options are open to Puerto Rico. In addition, recent Presidents have pledged to support whatever status was chosen by the people of the island.

The watchword has been self-determination. Less emphasized has been the necessarily mutual nature of the decision.

The Congress—which would ultimately have to decide—has promised far less. A 1979 resolution introduced by then Resident Commissioner Baltasar Corrada del Rio, which would have recognized a unilateral right of the people of Puerto Rico to change their status, was amended to offer a more ambiguous commitment.

In 1990, the three major political parties in Puerto Rico joined together to ask the Federal Government to commit itself to act on setting implementation procedures if the people voted for a change of status.

The Puerto Rican Self-Determination Act, which I sponsored along with Members of both national parties, had the support of the major Puerto Rican parties because it would have done essentially what the parties had requested. That Act passed the House unanimously.

In the Senate, legislation was offered to automatically implement or commit to implement whatever status Puerto Ricans chose. That legislation died.

The message was that Congress could be expected to respond with sincerity and with thoughtful consideration to the people's will; but was not ready to make a blanket commitment in advance to whatever choice might be made by Puerto Rico. Faced with that reality, it has been my position that the most important proximate step we should seek to attain is the enactment of a workable process for resolving the issue.

The proposal we have before us today, the Serrano Resolution, would, in essence, declare that the choice is the people of Puerto Rico's to make. Even though it goes beyond the commitment Members have been willing to make in the past, I think the time has come for Congress to pledge their support for the expressed will of the people which is the basis for the democratic society in which we all live.

Too much has been said for too long by Presidents and our representatives in the United Nations concerning self-determination. We understand all options open for us, and now it is time to try to live up to these promises. But saying this, however, should not be misinterpreted to suggest that there are not other factors in the decision in addition to the people of Puerto Rico's will.

The traditional requirement that the people of an area clearly desire statehood, for example, will have to be met. This is not something that can be demonstrated simply by obtaining more votes than the other options or even by a simple majority vote. It will require a *clear* majority.

Furthermore, declaring that the people of Puerto Rico have the right to choose does not mean that they can unilaterally set implementation terms for any status that involves national policy. Nor should it be used as an excuse for proposing unrealistic terms. The President and Congress should be expected to act in the interests of the American political family as a whole.

These are issues that require the Federal Government to act with the utmost seriousness because the decision it makes about Puerto Rico's status will have enormous significance to the future

country as a whole, including its relations with all other insular areas in the Pacific and in the Caribbean.

The United States has never been comfortable with the idea of owning colonies. What we are discussing here is how we finally end our role as a colonial power, and in saying this, I am not taking sides in the debate in Puerto Rico with regard to the validity of commonwealth.

What I do want to get across, though, is that we cannot deal generally with a matter of such sweeping scope without a far greater measure of national leadership than we have seen to date. Additionally, I want to note that this matter is so complex and important that the leadership that is needed can only come from the President. To date, we have not had the leadership necessary from any President—although I hope that we will have it from the present occupant of the White House.

The Serrano Resolution could help bring this about. By sponsoring it and obtaining the commitment of our President to support the will of the people, our distinguished colleague from New York, Jose Serrano, has done a national service in raising the issue of the federal role.

Because it is before us now and now because Puerto Rico plans to vote on November 14 on the choices of statehood, independence, or further development of the commonwealth, we will, hopefully, get the national leadership on the issue that has so long been lacking. We should, because resolving Puerto Rico's status issue is one of the most fundamental issues facing our Nation today.

It concerns the national identity of 3.6 million U.S. citizens on the island—a question so basic as to be incomprehensible in the context of the States.

The issue is divisive, distracting, and debilitating on the island. It also affects other U.S. interests, including those of the 2.7 million Puerto Ricans elsewhere. It is at the heart of most issues relating to Puerto Rico.

As our other veteran colleague from New York who has done so much to help Puerto Rico, Charlie Rangel, and our new colleagues from New York and Illinois, Nydia Velazquez and Luis Gutierrez, know well, status relates to the issue concerning Puerto Rico which has received the most national attention recently. This is the tax exemption for U.S. companies with income deriving from insular areas, Section 936, that is so much a part of Puerto Rico's economy.

And, as our colleague from Puerto Rico, Carlos Romero-Barceló, knows too, it relates to the inadequate coverage of the island in the national program for medical assistance for the needy.

So Puerto Rican leaders who have tried to resolve this central issue—whether by scheduling the plebiscite, trying to perfect the proposal for it, or requesting the Federal Government to act jointly with their people—deserve commendation.

As I said, the Serrano Resolution is a service to the Nation because it focuses the Federal Government's attention on its responsibility for the issue. At the same time, it also focuses our attention on Puerto Rico's plan for addressing it in the November plebiscite.

The resolution raises questions: Should a majority be required? What will happen after? Who should vote? These are critical ques-

tions that will affect the federal decision that will ultimately need to be made.

I would hope that this decision would be reflected in a fair procedure, such as that which the House approved in 1990 and that, this time, one will be enacted into law.

I would also hope that, with the changed in the international situation, the problem can be faced squarely—and that, in this age of democratization, the federal response to Puerto Rico's aspirations and situation will be just.

[The Serrano Resolution, H. Con. Res. 94, follows:]

103D CONGRESS
1ST SESSION

H. CON. RES. 94

Expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1993

Mr. SERRANO submitted the following concurrent resolution; which was referred jointly to the Committees on Foreign Affairs and Natural Resources

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico.

Whereas the people of Puerto Rico are natural-born citizens of the United States but do not enjoy all of the individual rights and liberties accorded to other American citizens under the United States Constitution;

Whereas the future status of Puerto Rico remains under discussion among residents of the Island of Puerto Rico and among Puerto Ricans residing in the 50 States of the United States; and

Whereas the Charter of the United Nations, a treaty to which the United States is a signatory, expresses the right of self-determination, that is the right of a people to decide for themselves the political status under which they live: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) reaffirms the commitment of the people of
4 the United States to the principle of self-determina-
5 tion;

6 (2) reasserts the principle, first articulated by
7 the Congress in its ratification of the Charter of the
8 United Nations, that with respect to territories
9 whose peoples have not yet attained a full measure
10 of self-government, the interests of the inhabitants
11 of such territories are paramount; and

12 (3) endorses the right of the people of Puerto
13 Rico to political self-determination.

Mr. DE LUGO. I will now recognize the distinguished gentleman from Puerto Rico, the Resident Commissioner, Governor Carlos Romero.

STATEMENT OF HON. CARLOS ROMERO-BARCELÓ

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

First, I would like to welcome all of the people here who have shown a deep interest in matters that affect Puerto Rico and our future. They must also be very interested to come here in Washington in July, it is so warm.

I want to thank Congressman Serrano for his efforts in trying to obtain a sense of Congress concerning Puerto Rico's right to self-determination. I must underscore the fact that we see this issue from different perspectives.

Mr. Serrano is a Puerto Rican, a Member of Congress who has a right to vote, and as a Member of Congress, he votes in Congress.

He sees it from the point of view where he is sitting, where he wants to make sure the Congress and the Nation pay attention to Puerto Rico and solve this colonial issue. But I, as a Puerto Rican, feel that it is our issue and our problem, and it is up to us to make the decision.

As long as we feel that Congress must express themselves first before we tell the world what we want to be, where we want to go, we are falling into the whole concept of colonialism. We are showing a colonial mentality and a colonial pattern. We must first ask the colonial masters how they are going to solve our problem before we make our decision.

I think we must first make our decision and once we make the decision, come forward and demand it as a matter of right. As U.S. citizens we have that right. I don't think the Nation can even begin to think that once the majority of the 3.5 million U.S. citizens in Puerto Rico opt for one solution, particularly a decolonizing solution, that the Nation, the Congress of the Nation, which is an example of democracy throughout the world, the inspiration of democracy, can deny a majority of 3.5 million U.S. citizens their desire and their will, which is within the concept of the Constitution and the laws of the Nation.

However, this hearing is extremely useful from the point of view that it will bring to the table, the discussion, the issue of status. It will raise the level of consciousness of the issue in the Congress and also throughout the Nation.

The meeting here today will take care of that. More people will know this is on the table. And on November 14, Puerto Rico will be holding a plebiscite to make a decision on its future, to take the first steps toward decolonization.

As we talk about decolonizing, it is apt that at this moment we define what is "commonwealth." I think when you stop and think about commonwealth, you must remember, if you read Alice in Wonderland, that it is precisely Alice in Wonderland. It is the opposite of what it appears to be.

It has been touted as a big step toward self-government. There is no big step toward self-government in commonwealth. We are still a territory, a territory in the constitutional and legal terms of the United States, and in international terms, we are a colony.

Now let us take a look at commonwealth and see if we are or we are not a colony. In the first place, it is only the name that has changed. We have the Commonwealth of Kentucky, we have the Commonwealth of Pennsylvania, we have the Commonwealth of Virginia and they are not territories. They are not conceived as something separate. They are States of the Union.

We are called commonwealth the same as the Commonwealth of Virginia, the same as the Commonwealth of Pennsylvania, Commonwealth of Kentucky, but we are a territory. We are still subject to the laws of Congress.

In Congress they pass laws that affect the environment of the Nation and the environment in Puerto Rico. We are held by those laws. We do not participate in the decision of those laws or in the enactment of those laws.

We are subject to minimum wage laws, they might be the best and they are good, but we do not vote to make the decisions that the laws be applicable to us.

We are subject to labor relations laws and unfair labor practices and unfair management practices. They might be the best laws in the world, but we did not vote to make those laws applicable to Puerto Rico.

We are subject to custom duties. We are subject to excise taxes. Now we will be subject to income taxes, and we do not participate in the decisions of those laws that are applicable in Puerto Rico.

Who enforces those laws in Puerto Rico? Those laws are enforced by the Department of Justice. There is a U.S. District Attorney in Puerto Rico appointed by the President for whom we do not vote. They are confirmed by the Senate, where we have no representation. If anybody violates the law, they are taken before a judge appointed by a President for whom we do not vote, and confirmed by the Senate with whom we have no representation.

If we are subject to the laws of the Nation, our Nation, and we do not participate in the democratic process of the enactment of those laws and those laws are enforceable and hold us to obey those laws, how can we say Puerto Rico is not a colony?

What is a colony? How can be there less of a colony than that when we are subject to the will of a Congress and the acts of a President whom we have not participated in his election in a democracy.

I think it is very important that we look at this. The whole process back in 1951 and 1952 to establish the commonwealth was to approve a constitution for Puerto Rico, a constitution that can be amended by Congress. There is nothing that we can do about it.

Congress can invalidate parts of our constitution and there is nothing that we can do about it because they have the authority under the territorial clause and that has not been amended.

So, what we must first do is realize that Puerto Rico is a colony in international terms and that becomes unacceptable to the Nation. That becomes unacceptable to the Congress. That becomes unacceptable to the President, and that is how they are going to move. That is when we are going to get a decision.

So, now in Puerto Rico we are going to have the opportunity on November 14 to express our desire. I hear some people say there

has to be a clear majority. There does not have to be a clear majority to begin the process.

We want to find out what the majority of the people in Puerto Rico want, where they want to direct themselves. If statehood wins, I have no doubt, for instance, that with a majority of over 50 percent, it will be a lot easier to get an admission bill in Congress than with a majority of 49 percent. But a majority of 49 percent is sufficient to begin the process, because a bill for admission of Puerto Rico as a State would have to be, as tradition has shown, not by law, but by tradition, would have to be submitted to the people of Puerto Rico for ratification.

At that moment, there would be a yes or no vote, and there would be a majority, over 50 percent. But one way or the other, to say there has to be a clear majority in any part of the process before the final decision is made, is to try to put an obstacle to the decolonization of Puerto Rico.

We have in Puerto Rico three options: Independence, Commonwealth and Statehood.

Commonwealth is composed of people who want a full autonomy, who would want to see the United States district courts taken away from Puerto Rico. They would have no jurisdiction in Puerto Rico. Puerto Rico would have to make its own laws in immigration and its own customs duties and its own customs laws, and be separated from the United States for all practical purposes, except for citizenship and for the funds that are allocated to Puerto Rico in Federal programs. That is what some people would like who support the commonwealth.

Others want everything that statehood would provide except the responsibility of contributing to the Treasury of the Nation. They want all the programs applied in Puerto Rico to the full extent as they are applied in other States, but they don't want taxes applied in Puerto Rico because they do not want to assume responsibility. They want to continue as a commonwealth where we receive, where we ask, but we don't participate, where we don't contribute, where we do not accept our responsibilities as citizens of a nation.

But the basis of commonwealth is U.S. citizenship and permanent union.

So they are not against the United States. If you were to give the option to some of the States in the Nation to have a commonwealth, so-called, where they don't have to pay Federal taxes, who knows what the percentage of people in those States would go. I am not sure the people in California might not vote for something where they did not have to pay any taxes.

In Puerto Rico, the vast majority of the people are under the poverty line. You hear the people say it is a very good thing to give grants to the wealthy, but it is very, very bad to give grants to the poor.

What are the grants to the wealthy, the tax exemption. They give tax exemptions to the wealthy to make more money. That is very good. That is fine. But to give grants to the poor, that is not good, because that creates dependency. Even the poor who cannot do it on their own, even the aged, even the children, even the women with children who cannot work because they do not have the time to work, they should not receive the same funding that they receive

in the mainland because it is more important to give grants to the wealthy in terms of tax exemption.

So, what we are deciding on this issue on November 14 in Puerto Rico is whether we want to be U.S. citizens or not. Once we make that decision that we want to be U.S. citizens, there is only one way and it is equality, on an equal basis, with equal political and economic rights. There can be no other way, if we understand what democracy is all about and if we understand the meaning of why we want to be part of the Nation.

This hearing today is going to be very important in the sense, as I explained before, we are going to listen to the people in Puerto Rico and their views and what will come out of this, I would hope and I feel confident, is a better understanding of the relationship between Puerto Rico and the States, our colonial relationships, a relationship that is untenable in the 20th Century.

It is a relationship that must be put an end to, and the only way that it can be put an end to is to let the people of Puerto Rico express their opinion, whether the Congress commits itself to abide by that decision, it is immaterial.

If we as a people are afraid to make a choice without anyone telling us from above, quote-unquote, what that choice should be or how they are going to look at the choice, then we don't deserve a solution. We have to make a decision regardless of what the Congress will say. Once we make the decision, then fight for it. That is the only way that we will be respected. That is the only way that we can put an end to colonialism, when we show that we are not going to accept colonialism anymore.

Thank you.

Mr. DE LUGO. I want to thank the gentleman from Puerto Rico for that very eloquent and powerful statement on behalf of statehood.

Mr. DE LUGO. Now, yielding equal time to the cause of commonwealth, let me recognize the gentleman from Guam, an educator and a very valued member of this Committee, Congressman Robert Underwood.

OPENING STATEMENT OF HON. ROBERT A. UNDERWOOD

Mr. UNDERWOOD. Thank you, Mr. Chairman.

I always have the unenviable position of following Mr. Romero every time we discuss the issue of political status. Every time he discusses the merits of commonwealth and statehood, I am always eager to point out that what he is willing to throw away we are willing to accept.

I don't wish to mean that as any point in the discussion of what is good for Puerto Rico because certainly that is not my affair and certainly it is something that is up to the people of Puerto Rico to decide.

I want to thank you for holding this hearing on H. Con. Res. 94, expressing the sense of Congress regarding the expression of self-determination of the people of Puerto Rico.

It is significant to note that while this resolution is primarily focused on the affairs of Puerto Rico and the upcoming political status plebiscite on that island, the expression of the right of self-determination of all non-self-governing territories is of paramount im-

portance, not only to Puerto Rico, but certainly to places like Guam. As a matter of historical record, I would point out that Guam along with Puerto Rico and the Philippines and Cuba were subsumed into the American empire as a result of the Spanish-American War.

I want to unequivocally state the assertion of the people of Guam to their inherent right to self-determination. Congress should support this right on Guam, as it should in Puerto Rico and in other territories, where people seek to fulfill their political destinies.

Moreover, Congress would be wise to facilitate the exercise of these rights. Once the people have decided on their own futures, I certainly would hope that Congress would support the will of the people of the territories.

The people of Guam have voted to establish a new commonwealth that is somewhat patterned on the Puerto Rico experience, but we think it goes further beyond. I have introduced legislation to enact the desire of the people of Guam in H.R. 1521.

All too often the discussions of political status revolve around the dynamics of big versus small, strong versus weak, east versus west, and us versus them. I hope the dialogue and discussion today will contribute to a new understanding in Congress of the desires of the people of the territories and the importance of affirming some basic human political rights, instead of discussing political advantages.

The United States, as a signatory of the United Nations Charter, and the Congress in ratifying that treaty, affirmed the right of self-determination for all non-self-governing territories. I, as the non-voting delegate coming from the unincorporated territory of Guam, do affirm that right.

An unincorporated territory means that you are owned by the United States, but you are not a part of the United States.

At the end of World War II, the process of self-determination worked well for some American territories, but unfortunately not for others, as the Cold War intervened in that progress. The Cold War is over. It is no longer a question of balancing national interests with the interests of the people of the territories.

The new reality is that it is in the national interest to recognize self-determination for the territories. It is in the national interest to recognize a right so fundamentally basic to the concept of American democracy that it is even inscribed in the walls of the U.S. Capitol.

As William Henry Harrison, himself a former territorial delegate, admonishes us, "The only legitimate right to govern is an expressed grant of power from the consent of the governed." For this Congress and for this Nation, the recognition of the right to self-determination for the American flag territories is not an issue to be debated. It is a responsibility to be acted upon.

Chairman de Lugo announced that a separate hearing will be held August 3 to address the concerns of the Guam Commission on Self-Determination and the U.S. Virgin Islands Commission on Self-Determination on this resolution. I would, therefore, caution those attending today's hearing to remember that this resolution impacts very diverse territories.

We differ in size, in geography, in political development and political aspirations. We share in common only what we lack in common, a final realization of our political destinies.

I commend the people of Puerto Rico in their pursuit of improving their political relationship with the United States. I look forward to the day when all territories will have achieved their destinies.

I commend Congressman Serrano for bringing this issue to the Floor and for allowing this discussion to occur. I commend the Chair and my colleagues on the Committee, notably Carlos Romero-Barcelo for hosting and participating in this discussion and for allowing us to confront these difficult issues.

Mr. DE LUGO. I thank the gentleman from Guam for that statement.

[Prepared statement of Mr. Underwood follows:]

STATEMENT OF CONGRESSMAN ROBERT A. UNDERWOOD

Mr. Chairman. I want to thank you for holding this hearing on H. Con. Res. 94, expressing the sense of Congress regarding the expression of self-determination by the people of Puerto Rico.

It is significant to note that while this resolution is primarily focused on Puerto Rico and their upcoming status plebescite, the expression of support of the right of self-determination of all non-self governing territories is of paramount importance to Guam.

I want to unequivocally state the assertion of the People of Guam to their inherent right to self determination. Congress should support this right on Guam, in Puerto Rico, and in other territories where the people seek to fulfill their political destinies. Moreover, Congress would be wise to facilitate the exercise of these rights. Once the people have decided on their own futures, I would hope that this Congress would support the will of the people of the territories. The people of Guam have voted to establish a new commonwealth, and I have introduced legislation to enact their desires in H.R. 1521.

All too often the discussions on political status revolve around the dynamics of big versus small, strong versus weak, east versus west, and us versus them. I hope that the dialogue today will contribute to a new understanding in Congress of the desires of the people of the territories, and the importance of affirming basic human rights values instead of political advantage.

The United States, as a signatory of the United Nations charter, and the Congress, in ratifying this treaty, affirmed the right of self-determination for all non-self-governing territories. At the end of World War II, the process of self-determination worked well for some American territories, but unfortunately, for others, the Cold War intervened in their progress.

The Cold War is over. It is no longer a question of balancing national interests with the interest of the people of the territories. The new reality is that is in the national interest to recognize self-determination for the territories. It is in the national interest to recognize a right so fundamentally basic to the American concept of democracy, that it is even inscribed on the walls of the U.S. Capitol. As William Henry Harrison, himself a former Territorial delegate, admonishes us, "the only legitimate right to govern is an express grant of power from the consent of the governed."

For this Congress, and for this great nation, the recognition of the right of self-determination for the American flag territories is not an issue to be debated; it is a responsibility to be acted upon.

Chairman de Lugo announced that a separate hearing will be held on August 3rd to address the concerns of the Guam Commission on Self-Determination and the U.S. Virgin Islands Commission on Self-Determination on this resolution. I therefore would caution those attending today's hearing to remember that this resolution impacts very diverse territories; we differ in size, geography, political development and political aspirations. We share in common only what we lack in common—a final realization of our political destinies.

I commend the people of Puerto Rico in their pursuit of improving their political relationship with the United States and I look forward to the day when all territories will have achieved their destinies.

Mr. DE LUGO. Let me invite the first witness, the sponsor of this resolution, the distinguished gentleman from New York to join us at the witness table.

Before we begin to take testimony, let the Chair outline our hearing plans.

First, there will be an additional hearing on this measure as referred to by the gentlemen from Guam. One reason is that although the purpose of the Serrano Resolution is to express views regarding Puerto Rican self-determination, it would also affirm the Congress' commitment toward self-determination in general. While declaring that the interests of the inhabitants are the primary consideration in nonself-governing territories.

Since these statements go well beyond Puerto Rico to include other areas, such as the Virgin Islands, which I represent, and Guam, there is a hearing on August 3, regarding their application to the other insular areas.

For a similar reason, the Foreign Affairs Committee also has some jurisdiction regarding this measure. Of the 18 areas officially considered by the United Nations to be nonself-governing, 14 are under foreign control. The four areas for which the United States is responsible are American Samoa, Guam, Palav, and the United States Virgin Islands.

Incidentally, speaking about the Virgin Islands, I want to recognize a constituent of mine who is here this morning. I flew up with him on the plane and he was due to go back to the territory today, but I was able to persuade him to stay on. He is a young man who ran for the Senate in the last election and came within four votes of being elected. His name is Ally Petris.

Ally, would you stand up?

We are glad to have you here today.

He is definitely a future leader of the Virgin Islands.

We will also need to meet again to hear the position of the Clinton administration. This could be August 3, or another date, possibly sooner, depending on the confirmation of the proposed witness, Walter Dellinger as Assistant Attorney General.

The President's Office is responsible for issues related to Puerto Rico's status, but it traditionally assigns an official of the administration to represent it before us.

The White House Chief of Staff, Mr. McLarty, initially told me that the administration would be represented today through a witness designated by Secretary Babbitt of the Interior Department. But they later decided to send a representative of the Justice Department, after representatives of Puerto Rico expressed concern about the assignment to Interior.

The concern was related to Puerto Rico's issues having been transferred from Interior to the President's Office in 1961. The delay in the administration's position should not delay our consideration of the Serrano resolution since we are already aware of the fact that an additional hearing is scheduled.

I want to express our appreciation to Mr. McLarty and also to another very effective and good friend in the White House, Ms. Lilian Fernandez, who is with us here today, for responding to legitimate Puerto Rican concerns. I hope the reassignment will finally

indicate the focus of these issues that I mentioned earlier was needed.

Before we begin with our first witness, we have a lot of people standing back here and we have some empty chairs here. Let me invite those who are standing to come forward and take the seats on the lower tier. If you will do that quietly, make yourself comfortable as guests of this Committee.

Our first witness will be Congressman Serrano. He will be followed by three other distinguished Members of Congress. Next we will have representatives of the Governor and three major political parties in Puerto Rico, all of which advocate a different status option.

After they have been questioned by the members of the Committee, we will have a half hour break for lunch. It will only be a half hour because we have so many witnesses. When we return, we will hear from other witnesses.

Because we want all testifying to receive a fair hearing, all witnesses should summarize their statements to the amount of time that the staff has asked them. You will see some lights on the witness table. The green light should go on when they begin and they should end their statement within one minute after the red light goes on. A bell will indicate the end of this minute. This will begin after Members of Congress have spoken, of course.

Let me welcome our first witness, as I said, he is the proponent of the resolution, a very good friend, and someone I admire. He is the outstanding Puerto Rican representative, and a respected Member of the House. He has also served on the very exclusive and powerful Appropriations Committee.

He is our leader as Chairman of the Hispanic Caucus. As I said, he has done a real national service in sponsoring this resolution and raising the issue with our great President.

Let me welcome my friend and the Committee's friend, Jose Serrano from New York and Puerto Rico.

STATEMENT OF HON. JOSÉ SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SERRANO. Thank you for that clarification about the two places I belong to.

Secondly, I want to thank all the brothers and sisters from Puerto Rico for joining us today here on All-Star Game Day, where tonight Ivan Rodriguez, Roberto Alomar, and Juan Gonzales will definitely win the game for the American League, and that is a prediction that I make and the only one I will make today.

Mr. Chairman, I want to thank you for holding this hearing and for providing the opportunity for debate and discussion of a resolution vital to our Nation's integrity. My resolution is short. Its purpose is clear. Simply, our Nation has a historical commitment to the right of a people to self-determination.

With this resolution, Congress reaffirms that right with respect to the people of Puerto Rico. It is that simple.

May I immediately ask our friends in the media, to please try to consider the fact that it seems that every interview I hear, even those placed before me, always go back to discussing the November 14 plebiscite.

This resolution speaks to self-determination and our statement in Congress. Whether there is a plebiscite or not, it is a right the people have and a statement this Congress has to make.

It is important to note that this resolution does "not," implicitly or expressly, prefer any option which may or may not be put before the people of Puerto Rico during a referendum. It neither establishes nor prefers a process by which this expression of self-determination will be realized. To the many observers who have found hidden meanings and intimations and nuances, none was intended.

It was interesting to note, Mr. Chairman, that in the politics of Puerto Rico in one given day, I had Statehooders saying that my mention of the U.N. meant that the resolution favored independence. I had members of the Socialist Party suggesting that my lack of statement of a Puerto Rican nationality meant that I was in cahoots with the Statehooders, and I had the Populists saying that the resolution didn't mean anything and was not going anywhere in the first place.

The apparent concern of some that I have drafted this resolution to prejudice the chances of one status or another, is a fear which is natural for people living in a colony.

Let me make my last aside, Mr. Chairman, by sort of offering an apology to members of the Popular Democratic Party for always taking it back when I used the word "colony." I do that with a special feeling today because the gentleman who speaks on behalf of that option today is a man who shares a name with me, José Enrique.

Just to alert the Committee to the fact that the reason that my name is José Enrique, is because his father was a doctor in my home town who did not charge the poor. My mother was too poor to pay him. As a tribute to him, I was José Enrique, and history would have it that we share the same podium today, named after both my father and his father.

I call Puerto Rico a colony because as a Member of Congress, that is how I see it. I never really realized, in my opinion, that it was a colony until I came to Congress and realized that everything that happens on the island has to be approved by this Congress and that this Congress can do what it wishes, whenever it wishes, and how it wishes.

So the word is not meant to hurt anybody. The word is simply, in my opinion, a fact and a reality today.

I introduced this resolution with a deep sense of regret about the hypocrisy with which our government treats Puerto Rico.

I speak to you as a Puerto Rican, as a United States citizen and as a congressman, roles which are, in this context, in conflict. As a Puerto Rican, I am resentful that the Congress of the United States—the greatest, most free nation on earth—will not recognize my right to decide my political future.

As a United States citizen, I can not understand the distinction which my government makes between my rights as a citizen and those of the citizens on the island on which I was born.

As a Congressman, I am ashamed of the hypocrisy of the policy of the government of which I am a part, a policy which promotes the rights of people around the world to a full and free expression of their political aspirations but denies it to the people of Puerto

Rico. I am ashamed that this Nation grants to my brothers and sisters in Puerto Rico the right to fight and die for the United States but refuses to them the basic human right to determine their political future.

It heightens the shame of this government that we require my island nation of 3.6 million people to come before the Congress to ask for legal authorization to conduct an enforceable plebiscite on its future. Isn't it time to recognize the relationship between Puerto Rico and the United States for what it is, clearly and without the rationalizations and embellishments that have sustained this untenable policy for nearly a century?

Without a clear recognition of what this relationship truly is, it is difficult for Americans residing in the 50 States to understand the moral urgency of change. The United States relationship to Puerto Rico is a tragic vestige of colonialism and paternalism, a relationship we abhor when we witness it among other nations and peoples. It is the relationship of the conqueror to the conquered.

Carlos Romero-Barceló, in his statement, said that we don't need to ask permission to hold a plebiscite, that we should not ask permission. I want to reiterate my position on this.

I am saying that no matter what decision is made on the island, this Congress has the responsibility to state at any time, and I think the time is right now, that it will respect that decision.

Senator Moynihan aptly describes Puerto Rico as "A prize of colonial war taken from Spain in 1898." In 1917, Congress, in the Jones Act, conferred upon the people of Puerto Rico United States citizenship. The people of Puerto Rico neither concurred in nor passed upon the question of citizenship.

Commonwealth status was established in 1952. This time, Congress subjected the change imposed upon Puerto Rico to the vote of its people, giving them only the choice of voting yes or no to the status offered to them by the Congress.

Puerto Rico is not self-governing. Its laws are subject to the will of Congress. Though Puerto Rico has been given the "right" to adopt local self-government, such government must operate subject to the power of Congress.

Article 73 of the United Nations Charter, to which the United States is a signatory, reads:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present charter, the well-being of the inhabitants of these territories.

I urge this Committee to adhere to our commitments, to give meaning to our international pronouncements, to reclaim our rightful place as a moral leader. We have no credibility in the world if we fail to practice what we preach; if we carry the shame of continuing to deny to a people their basic human right of political self-determination.

The people of Puerto Rico should no longer have to ask for our sanction. This is a right that is ours.

Mr. Chairman, I conclude, and once again thank you for the opportunity to speak before you. I stand ready to answer any questions.

I should remind the panel and ourselves, all of us, that the time is right for this decision to be made. The world has changed. We claim that we have played a major role in making the world change. Now we have to adhere to our own pronouncements and accept from the people of Puerto Rico their decision for the future.

Lastly, when I speak about the people of Puerto Rico, I personally speak about a nation of people, a nation of people that includes those of us who left the island because we wanted to, which I think is about .0001 percent, and those of us who were brought here by our parents or who came here as adults looking for a new way to live in very difficult conditions.

We never stopped being Puerto Ricans, we are one nation of people. But when the final decision is made, we think we should all make it altogether.

[Prepared statement of Mr. Serrano follows:]

STATEMENT OF THE HON. JOSÉ E. SERRANO

Thank you Mr. Chairman and members of the Subcommittee on Insular and International Affairs for providing this opportunity for debate and discussion of a resolution vital to our nation's integrity.

My resolution is short, its purpose clear. Simply, our nation has an historical commitment to the right of a people to self-determination. With this resolution, Congress reaffirms that right with respect to the people of Puerto Rico. It is that simple.

It is important to note that this resolution does not, implicitly or expressly, prefer any option which may or may not be put before the people of Puerto Rico during a referendum. It neither establishes nor prefers a process by which this expression of self-determination will be realized. To the many observers who have found hidden meanings and intimations and nuances, none was intended. The apparent concern of some that I have drafted this resolution to prejudice the changes of one status or another, is a fear which is natural for people living in a colony.

I introduced this resolution with a deep sense of regret about the hypocrisy with which our Government treats Puerto Rico.

I speak to you as a Puerto Rican, as a United States citizen and as a Congressman, roles which are, in this context, in conflict.

As a Puerto Rican, I am resentful that the Congress of the United States—the greatest, most free nation on earth—will not recognize my right to decide my political future.

As a United States citizen, I can not understand the distinction which my Government makes between my rights as a citizen and those of the citizens on the island on which I was born.

As a Congressman, I am ashamed of the hypocrisy of the policy of the Government of which I am a part, a policy which promotes the rights of people around the world to a full and free expression of their political aspirations but denies it to the people of Puerto Rico.

I am ashamed that this Nation grants to my brothers and sisters in Puerto Rico the right to fight and die for the United States but refuses to them the basic human right to determine their political future.

It heightens the shame of this Government that we require my island nation of 3.6 million people to come before the Congress to ask for legal authorization to conduct an enforceable plebiscite on its future.

Isn't it time to recognize the relationship between Puerto Rico and the United States for what it is, clearly and without the rationalizations and embellishments that have sustained this untenable policy for nearly a century?

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Commonwealth status was established in 1952. This time, Congress subjected the change imposed upon Puerto Rico to the vote of its people, giving them only the choice of voting yes or no to the status offered to them by the Congress. Puerto Rico is not self-governing. Its laws are subject to the will of Congress. Though Puerto Rico has been given the "right" to adopt local self-government, such government must operate subject to the power of Congress.

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I urge this committee to adhere to our commitments, to give meaning to our international pronouncements, to reclaim our rightful place as a moral leader.

We have no credibility in the world if we fail to practice what we preach; if we carry the shame of continuing to deny to a people their basic human right of political self-determination.

The people of Puerto Rico should no longer have to ask for our sanction.

Mr. DE LUGO. Thank you very much, Congressman Serrano, for a moving statement on behalf of your resolution.

I will ask just one question before I yield to the other Members for questions.

If the resolution passes, could Congress morally do anything other than implement the status which obtains the most votes in November?

Mr. SERRANO. Congress, unfortunately for the people of Puerto Rico, could do whatever it pleases. It could ignore whatever happens. But I think morally what Congress has to do is to deal with the issue. Congress has to, as a representative of the people, reach a determination of what is in the best interest of both people.

Unfortunately, what I think will happen eventually is that Congress will determine what is in the best interest of Congress and the best interests of the American Nation and deal with Puerto Rico in that way.

But the fact of life is that Congress' moral obligation, in my opinion, is not to put the issue aside any longer but to deal with it in the context of a changing world.

Mr. DE LUGO. Is there a problem with the nearing plebiscite in that it does not require a set percentage of the votes, such as a clear majority to select a status?

Could a status claim to win with as little as 33 $\frac{1}{3}$ percent of the vote, plus one, and should it be implemented if a particular status were to be endorsed by 33 percent of the people of Puerto Rico, plus one?

Mr. SERRANO. Well, I did not agree with Congressman Romero-Barceló in his statement that we should not have to ask permission. I do agree with that part of his statement that says that this is the beginning of a process.

Anything, in my opinion, that puts the issue of Puerto Rico's relationship with the United States on the table and does not allow it to go away, is a good step, whether it be a plebiscite, whether it be a discussion before the U.N. or whether it be a discussion by

people bringing in 3 billion signatures, or whether it be my resolution.

I think any time you put on the table the issue of this unique or sad relationship, you are doing something positive, in my opinion.

The plebiscite, as far as I am concerned, plays a role. I would like a plebiscite that would allow me to vote in it.

I would like a plebiscite where Congress has already agreed to do this or that. But it doesn't matter. Whatever takes place around this issue will appear, hopefully, on some pages of some newspapers in this country and alert people to the fact that there is a need to deal with this issue.

Mr. DE LUGO. Do you think that the President will actively encourage and participate in the implementation of the status decision made in the plebiscite? You have been quoted as saying the President agreed with your request to encourage Congress to accept the will of the people of Puerto Rico regarding the future status.

Although he has not done that clearly yet, he has reiterated his support of self-determination for the people. You know, a big problem in the effort to legislate here between 1989 and 1991, was that although President Bush made a number of public statements, his administration was not truly engaged and aggressive in the process.

Do you think that the current administration will be?

Mr. SERRANO. Let me first say to you that, as you know, I am a very strong supporter of the President. But this President is no different than past Presidents, in one regard, and that is that there is very little information in the White House and in some of the halls of Congress about the relationship between Puerto Rico and the United States.

It might be that the one issue I truly agree with the Statehooders on is that that is an issue of how the United States sees the relationship as one that has to come from the island. More and more lobbying, either from the Independents or the Statehooders or the Commonwealthers, to the issue. There is no information here.

This President is not acting any differently than the other two recent Presidents. There is just not enough information.

This year, a newspaper in Puerto Rico won an award for a comic, a cartoon it did of me. It depicted me being told by a couple of congressmen: "Next time you go to Puerto Rico bring back some stamps and some coins for my collection."

Well that is a fact of life. When my father passed away in 1982, God rest his soul, the American flag and the Puerto Rico flag were on his casket. An assemblyman from New York asked me, what is the American flag doing on your father's casket? I said, well, he was a member of the Armed Forces. He said, "Oh, okay." Half an hour later, he came back to me and said that he never knew that the Puerto Rican Army used the American flag.

What probably all three or four or five different groups in Puerto Rico could agree on is that the information will have to come to the island as to the urgency of the problem because it becomes difficult

here to convince people that there is a problem we have to deal with.

Mr. DE LUGO. The gentlemen from Puerto Rico.

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

Before we get on to the subject matter, you talked about the ball players in the All-Star Game. I don't think there is a single State of the Union that has as many players in the All-Star Game as we do, particularly in the American League.

I would like to take this opportunity also, since you are talking about Puerto Rico, to give special recognition to the women in Puerto Rico who in the past year have succeeded tremendously in completely different fields. Miss Universe is a Puerto Rican. We have the first woman pilot, who is a Puerto Rican, and now also the winner of the Tennis Gold Medal in Doubles in the Olympics and Wimbledon is also Puerto Rican. Those are three outstanding achievements in sports, in defense, and other competitions in beauty.

Mr. SERRANO. Don't forget the hard-hitting left-fielder, Emilio Velazcas from New York.

Mr. ROMERO-BARCELÓ. And Ms. Velazquez, the first Puerto Rican woman to be elected to Congress. When you talk about the differences of the focus of your resolution and where I come from, I want to be sure that you understand and that everyone here understands that if I were in your shoes, if I were in your position, if I were a voting congressman, I would assume your position demanding that the Nation express what they are going to do about Puerto Rico.

But coming from Puerto Rico, where I have no right to vote, I must also insist that our people be the first to make that decision and to not be afraid of making that decision without an expression from Congress. This is from a different perspective.

I agree with what you are doing, from your point of view, but I must also, from my point of view, make sure that the people of Puerto Rico are not intimidated to not make a decision until the Congress first expresses its will.

I want to congratulate you on what I consider a very, very apt statement that you have made here. When you said as a United States citizen, no, you said: I introduced this resolution with a deep sense of much regret about the hypocrisy with which our government treats Puerto Rico. The whole system, the whole relationship is hypocrisy, because it says it is what it is not. It gives us dignity, and how can the status of commonwealth give us dignity, when it cannot give us dignity as citizens in a democracy.

I have no questions of you, Mr. Serrano. I agree 100 percent with what you have said. I think that these hearings are going to be very productive in the sense of putting the issue on the table in Congress.

There is an area of disagreement between you and I. It is a very honest disagreement. I don't know how strongly you feel about it, but I think it should be aired out a little bit. It is about the participation of Puerto Ricans who do not reside in Puerto Rico, who live on the mainland.

I know how strongly you and many, many Puerto Ricans feel about it.

The problem with that is, first of all, and I am asking you, once Puerto Rico makes a decision, are you going to move to Puerto Rico? You probably would say—what, in fact, would be your answer?

Mr. SERRANO. Well, I am not a lawyer, but you taught me enough about being a lawyer that I would then answer a question with a question. Are you going to ask people who were not born in Puerto Rico who live there, that once they vote or make a decision, are they going to stay there the rest of their lives? You don't know that for a fact either.

Mr. ROMERO-BARCELÓ. It is presumed. You presume that things continue as they are. That is a presumption.

Mr. SERRANO. There is a great number of Puerto Ricans who will not return, that is a fact. It is physically impossible to do so. But when I go around to some of the older voters in my district, the dream of returning has never left them. Many, in fact, do.

As you know, you, I and Nydia have a very dear friend who is as Puerto Rican-New York as you can get, who helped create Desfina and everything else, and the only thing on Monserata Flores' mind when he retires next year, is going back to Puerto Rico. Now I would have bet 10 years ago that that was never going to happen, that he was not going to go back. So there is no way to tell you that I will go back or not go back.

But if you see it as a nation, as I do, you really don't have to go back to be involved in the struggle. The South Bronx is as much a struggle of the Puerto Rican people as Chicago is, as Brooklyn is or San Juan or Myaquez. It is one nation of people with the same struggle everywhere.

Mr. ROMERO-BARCELÓ. Culturally, we are one nation, but politically the nation is the United States. There is a difference of definition in political terms or legal terms, Constitutional terms and cultural terms. What is a nation in cultural terms, is not a nation from a geopolitical sense.

Mr. SERRANO. I understand that, congressman, but there are some things that cannot be discussed from a legal term. You don't discuss a peoples' feelings from a legal term. I never stopped being a Puerto Rican. My mother and father were buried at St. Raymond's Cemetery, and if they could be spoken to right now, they would tell you they never stopped being Puerto Ricans. So it really doesn't matter where you live for this question.

I would never assume to suggest that I would vote for governor of the island, never, or for a local assemblyman or a Senator. But this is the future of a people that were separated, not out of desire to be separated, but by conditions caused because of the relationship between two groups of people who are now trying to determine what that future is going to be for both of them.

In other words, I am in New York, as much as I love being in New York, but I am in New York as a result of an economic condition in Puerto Rico which was the result of a relationship between the United States and Puerto Rico. When that relationship is determined forever perhaps, I don't see why I should be left out of that issue.

Mr. ROMERO-BARCELÓ. Because the probability is that you and most others like you will not be returning to Puerto Rico once the

decision is made. The effects, both economically, politically will be suffered directly and every day by those who remain in Puerto Rico, who are the ones who live in Puerto Rico, who, because of their economic conditions, because of their jobs, because of the relationships at home, that they will not be moving from Puerto Rico, no matter what happens, even if they don't like the decision.

Whereas from the mainland, you have much greater options to move or not to move to Puerto Rico, if you like the decision or not.

Talking about the confusion that sometimes we have of the status, I will never forget the time I was in Boston and I was in a taxicab. I started to talk with the cab driver about the status of Puerto Rico. He said he was a Nationalista, which is an independence advocate, those who want a fascist revolution to establish an independent nation.

We kept on talking and he said, "But in the plebiscite, you have to vote for statehood." So he was a Nationalista saying, you have to vote the statehood. How can you relate to that? It is real confusion.

Now you have a people who live here, who have their roots here economically and their family roots, their children, people who love Puerto Rico, and their children love Puerto Rico, but sometimes the children hardly speak Spanish and they are not going to move to Puerto Rico. Their families are going to be here.

Others in Puerto Rico, their families are going to be there, most probably, and their grandchildren are going to be there. They feel that why should somebody who is not going to be affected by the decision, even though they are my cousins and my people, why should they have something to say about the final decision? I think this should be understood.

Mr. SERRANO. My resolution, Mr. Congressman, speaks only to self-determination. How that self-determination is then carried out and respected is left for future days to discuss. But since you did bring it up and it is going to come up again for other Members of Congress, I will make you a deal, don't let anybody who was not born there, who lives there now, vote, and I will stop pressing my part of the issue.

Mr. ROMERO-BARCELÓ. When you make a choice to become a citizen, you get naturalized.

Mr. SERRANO. No, that is an American citizenship. On one hand, we are talking about a people, and on the other hand, you are telling me that you are going to conduct your plebiscite based on United States' law. The law of a people does not cover any other law, and if people were not born there, and you are telling me they are covered by U.S. law because they are a citizen, then let me be covered by human law, which says I was born there, but I am not covered by your local law.

Mr. ROMERO-BARCELÓ. The problem is that we live in a system of laws. We do not live outside the laws. If we want to have order in our society, there must be a system of laws. Laws are established precisely to determine the relationship between people and not leave it up to themselves as to their wishes. They are trying to make the decision applicable to all and try to have everything as fair as possible.

That is why the laws exist. If we don't abide by the laws then the plebiscite would not be legal. To open the door to participation of people who do not reside in Puerto Rico would create a situation where there would be lawsuits questioning the validity of that plebiscite and that would affect the plebiscite itself.

That is our greatest concern, that the validity of the plebiscite should not be questioned.

Mr. DE LUGO. Gentlemen, we have a number of other witnesses.

Mr. Rangel has a conflict. As you know, he is on the Conference Committee on Reconciliation.

But I have one final question I would like to ask the witness and then we will hear from our next witness.

Congressman Serrano, the Puerto Rico administration has indicated that a resolution is unnecessary. How would you respond to that?

Mr. SERRANO. That a resolution is unnecessary? Again, we have different roles that we play as one people. There are some on the island who feel that is it not necessary for Congress to say whether or not they respect it.

As an American congressman, it bothers me that the government where I am a congressman still has colonies in the Caribbean or anywhere else in the world. Therefore, it is important to me as an American congressman to have my government make a comment about the place where I was born.

The fact media needs an eyeful in that unique situation, and we are talking about us to us, but that is the way it is. That is the way it has to be. I don't think it is wrong.

Mr. Chairman, before I leave this seat, I would like to take 30 seconds to say that Congressman Barceló used the word "Nationalista" in a way that he saw it. Growing up in the South Bronx, where we were different from other people, "Nationalista" to us meant upholding what was Puerto Rican.

Maybe it was eating fruit that came from the island or trying to speak our language that we did not do very well. Maybe it was listening to music we had to buy, rather than hear around us from our grandparents, but we tried to stay Puerto Ricans. That is what "Nationalista" meant to us.

When we came to New York, we could not find banana leaves to wrap our food, so we learned to wrap them in good white paper with string. We changed the outside, but we never changed the inside.

Thank you.

Mr. DE LUGO. Very well said.

Will you join us on the Committee?

You know, ladies and gentlemen, the Resident Commissioner officially represents Puerto Rico in the House, of course. But now there is a far larger Puerto Rican Caucus, including three other Members from the States, originally from Puerto Rico. Before there was a caucus, there was a Representative for Puerto Rico from a State and he is our next witness, the Honorable Charles Rangel from New York.

He has consistently fought to ensure the needs of Puerto Rican people are met, especially in the Ways and Means Committee of

which he is a very, very powerful Member. He will return there after making his statement at this time.

He has a broad perspective on the issues concerning the island and their interrelationship that was well-stated in a recent letter to the President of the United States, asking that the 936 tax issue, be considered in the context of the island's situation as a whole.

It is my pleasure as Chairman of this Committee to welcome one of the ablest Members of this House and one of my best friends, one whom I admire the most, just a great person, Charles Rangel of New York.

STATEMENT OF HON. CHARLES B. RANGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RANGEL. Thank you, Mr. Chairman.

Mr. Chairman, my colleagues and my friends from Puerto Rico, thank you for extending to me the courtesy of allowing me to come in support of Serrano resolution.

We are fortunate to have a Chair such as you to preside over a delicate question such as this that has been around our country for decades and yet not decided. I think the height of your integrity was reached by your first question when you asked Congressman Serrano as to whether or not the United States had a moral obligation to abide by the feelings of the people in Puerto Rico.

There are some people that truly believe that our national leaders have found it so easy to say that we should abide by that decision because they thought that no decision would ever be reached. The closer we come to seeing this issue discussed, the more I see sometimes the goal posts being moved back and the rules being changed.

So whatever is going to happen, and Joe Serrano said it, it is going to be what is in the self interest of the people who are making the decision.

I think that would even follow through, Joe, in determining who was allowed to vote to make that decision, even though I enjoyed the discussion between you and my friend, Carlos, a lot better.

But I am certain that people are going to decide which way they think the vote is going to go and then the decisions about who participates, much like we do at reapportionment.

Nevertheless, I think this is very important that we stand up for other nations, to show that we do have the integrity in this country to allow a level playing field and to test the integrity of these United States as we assume a world leadership rule in setting the standards of what is democracy.

I ask for permission from the Chair and the Committee to introduce my full statement in the record and to highlight my remarks.

Mr. DE LUGO. Without objection, your entire statement will be placed in the record at this point.

Mr. RANGEL. Because since I prepared this statement, I have been asked, invited to Puerto Rico by my friend, the former governor and Congressman from Puerto Rico, and the current governor, Governor Rossello to bring remarks to the 4th of July celebration that was taking place in San Juan.

I was there to also deliver a letter from President Clinton congratulating the Government of Puerto Rico and also pointing out that Americans, wherever they are located, have to be treated equally and certainly that is a feeling that we have. But when we look at all of our citizens that are denied the opportunity in the District of Columbia, in Puerto Rico and other areas, to be citizens without all of the rights, to me that is, as a lawyer, is like being half pregnant. I don't know how it is understood.

Nevertheless, I was reminded at that time, when the drums were played, trumpets were blasting and the flags were unfurled, of the fact that I was once a foot soldier in the Second Infantry Division. Every time I hear a marching band, some part of me gets excited.

But for some reason, when it was the marching band in Puerto Rico, the thing that came to mind was some 43 years ago being in North Korea, in the height of winter and being engaged in combat with the Chinese volunteer army and remembering the Puerto Rican 15th Regiment as they fought side by side with the 2nd Infantry Division in what was a losing battle, but to see how patriotically they fought, to receive the battle stars they won, to see the Purple Hearts and the medals of valor that they were awarded.

I could not in Puerto Rico not but think, how could these warriors return to their home in Puerto Rico with all of the pride that their nation and their family had for them and face the fact that they could not even vote for the Commander-in-Chief; that the services that could be rendered to their grandmothers or to their parents or their children had to be substandard, and yet, statistics will prove that the demands that our country made of them were far more than what was made of most Americans.

If you took the time to see the composition of those that serve in combat as a foot soldier as compared to those who fly and those in the rear, you would find that the least powerful Americans are the ones who are up front. Yet when they return home, they are the ones that are first denied.

So, it just seems to me, Mr. Chairman, that even if we did not want to do this for the people of Puerto Rico, for whatever biases we have, that we owe it to our great Nation to get on with this process and to stop apologizing to the United Nations or to unfriendly nations who believe that we can treat American citizens the way that we do.

There is no way to explain why infant mortality is so high in the island of Puerto Rico. There is no way to explain why our medicaid and our other health programs are so different when we are talking about American citizens. We cannot even talk about the quality of life when we know as a fact that the highest mortality in hospitals throughout the United States can be found in Puerto Rico.

We also know that in spite of all of this, with all of the friends that I have gained as being a supporter of 936, that even when we talk about this being the key legislation, that no matter what party you belong to, you have a definite view as to what should be supported, in all of the years that it has been discussed, and I have supported it, we never talk about the quality of life.

Even today as I leave here to go into conference, the welfare of Puerto Ricans will not be discussed as much as the tax benefits that will be allocated to firms that go to Puerto Rico, not how many

lives are going to be saved, how much medicine is going to be there, which I find inconsistent, with or without the tax credits, to just ignore that where you are born, no matter what power of United States citizenship you enjoy, will determine the quality of life that we will determine by our allocations of resources in the United States Congress.

So, I would really be concerned, Mr. Chairman, in testing the leadership that we have in this country and in this Congress.

I conclude by telling a story at the risk of embarrassing Congressman Serrano. But in the first few days that he came to Congress, he used to treat me with a great deal of respect. Hardly anything would occur that he did not come to me and question what was happening and what was the historic institutional value of what was happening.

One day, a group from New York was in the back of the chamber, and Jose came tense, emotional and said: I am telling you, Rangel, I am not going to understand this system. He said: Would you believe that a group of Republicans asked me the question that if statehood was decided by the people in Puerto Rico and the United States Congress, whether or not the six or seven Members of the House of Representatives would come out of the 435 or will they be added. He was really burnt up.

Embarrassingly, most of the New Yorkers said: What did you answer, Joe. I am certain that someone is wrestling with that question in the United States Senate.

So, I think it is time for us to stop saying whatever they want. It is not going to be that easy, whatever you want. But if it is our Constitution and we believe that we made the promise, let's step up to the plate, as you so well said, and decide that it is in the best interest of the United States of America to be honest in how we treat our citizens.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Rangel follows:]

STATEMENT BY

HON. CHARLES B. RANGEL

HEARING ON THE RESOLUTION ON SELF DETERMINATION

SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE TO COMMENT ON THIS IMPORTANT LEGISLATION.

THIS ISSUE IS OF PARTICULAR IMPORTANCE TO ME AND TO TENS OF THOUSANDS OF MY CONSTITUENTS WHO WERE BORN IN PUERTO RICO OR ARE OF PUERTO RICAN ORIGIN. I HAVE LEARNED OF THE STRONG EMOTIONAL TIES TO THE LAND OF THEIR ORIGIN MAINTAINED BY PUERTO RICANS NO MATTER HOW LONG THEY HAVE LIVED IN NEW YORK OR ELSEWHERE ON THE CONTINENT.

I WOULD LIKE TO CONGRATULATE MY COLLEAGUE, MR. SERRANNO FOR HIS LEADERSHIP IN BRINGING THIS CRITICAL ISSUE TO THE ATTENTION OF THE HOUSE OF REPRESENTATIVES, WHICH FOR TOO LONG HAS TREATED PUERTO RICO AS A STEPCHILD.

THE PEOPLE OF PUERTO RICO, WHETHER THEY LIVE ON THE ISLAND OR ON THE MAINLAND, AT THIS TIME ARE AMERICANS AND WILL REMAIN SO WHETHER THEY CHOOSE CONTINUED COMMONWEALTH STATUS OR STATEHOOD, THEIR NATIONALITY WILL CHANGE ONLY IF THEY ELECT, AND ALL OBSTACLES ARE REMOVED, TO TRANSFORM THE ISLAND INTO AN INDEPENDENT NATION.

AS AMERICANS, THEY HAVE PAID A DISPROPORTIONATE SHARE IN THE LIVES OF THEIR YOUNG PEOPLE FIGHTING IN WARS THAT THEY ACCEPTED WITHOUT QUESTION. THEY HAVE BEEN HEROIC AS MEDAL OF HONOR WINNERS, PURPLE HEART RECIPIENTS AND ALL OF THE ACCOLADES THAT CAN BE WON ON THE BATTLEFIELD.

HON. CHARLES B. RANGEL - 2

WE IN THE CONGRESS SHOULD BE PROUD AND APPRECIATIVE OF THOSE CONTRIBUTIONS AND NEVER FORGET THEM, EVEN AS WE DELIBERATE THE LEGISLATION THAT IS BEFORE US TODAY.

MANY OF MY CONSTITUENTS CAME TO LIVE ON THE MAINLAND IN PURSUIT OF ECONOMIC OPPORTUNITY, FOR EVEN THOUGH THE STANDARD OF LIVING IN PUERTO RICO IS HIGHER THAN ANYWHERE ELSE IN THE CARIBBEAN, THE PER CAPITA INCOME IS STILL ONLY HALF THAT OF MISSISSIPPI, THE POOREST STATE IN THE U.S.

AND EVEN WITH THE CONTRIBUTIONS MADE BY MAINLAND INDUSTRY UNDER THE 936 PROGRAM, UNEMPLOYMENT AT 17 PERCENT IS MORE THAN TWICE THE MAINLAND LEVEL.

INDEED 55 PERCENT OF THE PUERTO RICAN POPULATION LIVES UNDER POVERTY LEVEL. THAT IS A SEVEN POINT IMPROVEMENT FROM 1980, BUT IT STILL REPRESENTS A DISGRACE THAT POINTS TO THE INATTENTION GIVEN TO PUERTO RICO.

THE INFANT MORTALITY LEVEL IN PUERTO RICO ALSO IS SHOCKING, 16 PER 1,000 COMPARED TO A RATE ON THE MAINLAND OF 10 PER 1000. IN THE AREA OF EDUCATION, LESS THAN HALF OF THE ADULTS HAVE GRADUATED FROM HIGH SCHOOL, UP FROM 39 PERCENT IN 1979. THAT COMPARES WITH 85 PERCENT ON THE MAINLAND.

MR. CHAIRMAN ALL OF THIS POINTS TO THE UNFAIR TREATMENT RECEIVED BY PUERTO RICO AT THE HANDS OF THIS GOVERNMENT AND THIS CONGRESS.

THE PEOPLE OF PUERTO RICO DESERVE THE RIGHT TO DECIDE FOR THEMSELVES THE STATUS UNDER WHICH THEY CHOOSE TO LIVE AND THE NATURE OF THEIR RELATIONSHIP WITH THE UNITED STATES. THIS IS AN ISSUE THAT HAS BEEN DEFERRED LONG ENOUGH.

IN 1990 THE HOUSE OF REPRESENTATIVES PASSED LEGISLATION THAT WOULD HAVE MANDATED A PLEBISCITE TO DETERMINE THE PUERTO RICAN PEOPLE'S CHOICE OF STATUS. THAT EFFORT WAS DEFEATED IN THE SENATE, AND NOW THE PUERTO RICAN PEOPLE HAVE TAKEN THE ISSUE IN THEIR OWN HANDS.

HON. CHARLES B. RANGEL - 2

THAT IS AS IT SHOULD BE AND THIS CONGRESS HOPEFULLY WILL DEAL WITH THE ISSUE SQUARELY.

BUT LEST WE FORGET, THE CONTINUING ISSUE, NOTWITHSTANDING THE ISSUE OF STATUS, IS THE ISSUE OF THE STATUS OF TREATMENT OF THE PUERTO RICAN PEOPLE NOW. WHATEVER THEIR CHOICE, WE AS A NATION MUST WORK TO SEE TO IT THAT THE PEOPLE OF PUERTO RICO AS LONG AS THEY ARE A PART OF THE UNITED STATES ARE TREATED LIKE FULL FLEDGED AMERICANS.

THANKYOU, MR. CHAIRMAN.

Mr. DE LUGO. Thank you very much, Mr. Rangel.

You know it is hard for the Chair to not applaud as you concluded your statement. You are so effective. You have stated so well the problem that is faced by our country. You have stated that we should address this as Americans, that we have a moral problem here.

I want to thank you very much. As I was listening to you, all I could think of was how very fortunate, not only the people of Puerto Rico are, but the people of the Virgin Islands and the other territories are, to have a friend such as you. Because Charlie Rangel is not only a very good man, but he is one tremendous politician. You call it as you see it. You put your finger on the nerve and you know how to get it done.

I thank you very much.

Mr. RANGEL. You have been very kind, Mr. Chairman.

Thank you.

Mr. DE LUGO. We are going to let you go because we know you are preparing for the conference.

Our next witness is someone that Puerto Rico and we are very proud of, another Representative from New York, also originally from the island. She is a source of special pride, since on the occasion of her election she became the first Puerto Rican woman to ever serve in the Congress of the United States.

For those following the witness list, she and Congressman Gutierrez have agreed to change places.

Representative Nydia Velázquez is new here in the House. She has already made her impact with her concern for issues relating to the island and also Puerto Ricans on the mainland, in fact, all of the needy on the mainland.

It is a great pleasure for the Chair to welcome you.

Without objection, your entire statement will be placed in the record at this point.

You may proceed in whatever manner you chose.

STATEMENT OF HON. NYDIA M. VELÁZQUEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. VELÁZQUEZ. Thank you, Mr. Chairman.

I just want to state for the record that I am here not because I won a beauty contest.

Good morning Mr. Chairman and members of the House Insular and International Affairs Subcommittee. I welcome the opportunity to appear before this Subcommittee to testify concerning House Concurrent Resolution 94, sponsored by my colleague and friend, Jose Serrano.

I want to publicly thank Jose for taking this initiative, and what a difference it makes to have a Member of Congress of Puerto Rican descent to undertake this, for having all of us here, discussing such an important political situation for the Puerto Rico people and for this Nation.

I am also eager to discuss our ongoing struggle to establish a mechanism which will enable Puerto Rico to decide freely the future of its political relationship with the United States. As dramatic changes take place on the international scene, and the United States assumes new responsibilities around the globe, the issue

of the status of Puerto Rico continues to be too low a priority for the Federal Government.

As the first Puerto Rican woman elected to the United States House of Representatives, I strongly support the United Nations recognition of the inalienable right of the people of Puerto Rico to self-determination and independence. The most significant obstacle to Puerto Rican self-determination has not been the inability of Puerto Ricans to express themselves by plebiscite, referendum, constitutional convention or other forms of consultation; on six different occasions since 1868, the people of Puerto Rico have expressed their desire regarding the island's future. It has rather been the unwillingness of the United States Government to come to terms with its responsibility to abide by a true process of self-determination for Puerto Rico.

This resistance on the part of the United States has taken many forms, the most common of which is the insistence that the problem is based on Puerto Rico's inability to decide between commonwealth, statehood, or independence. This position has enabled the United States to avoid having to come to terms with the development of a coherent policy concerning Puerto Rico.

This resistance to address the Puerto Rican status problem head on is as old as the U.S. presence in Puerto Rico. It has been fueled by this country's view of Puerto Rico as a key element in the geopolitical designs of the United States in the region.

Puerto Rico has consistently been viewed as a military and naval outpost, essential to the defense of the Panama Canal, and of the shipping lanes vital to the preservation of U.S. strategic and commercial interests in the Americas.

This was the case in the period covering the two global conflicts, between 1917 and 1945, in which the protection of the Panama Canal from German military action became part and parcel of the U.S. policy in the region. It continued unabated during the Cold War period and was particularly exacerbated by the Cuban and Nicaragua revolutions of 1959 and 1979, respectively.

The paramount importance assigned to Puerto Rico as a U.S. national security interest has defined the political and economic relationship between the two.

Now, as to our recent history, the Puerto Rican people are working on their quest for a permanent solution to the political status question. Three options, commonwealth, statehood, or independence have been proposed by the Puerto Rico legislative assembly.

It is the moral and political obligation of the United States to extend to the people of Puerto Rico a sincere opportunity to demographically define this future political status. The people of Puerto Rico deserve no less. The legislative and executive branches of the United States Government must respect their wishes.

This country is claiming to support and encourage democratic movement and self-determination around the world. Why should the policy toward Puerto Rico be any different?

Mr. Chairman, I understand the needs and concerns of my fellow citizens in Puerto Rico, and I urge my colleagues in Congress to uphold those democratic principles of freedom and self-determination espoused in the Declaration of Independence and the Constitution of the United States.

It is important to note that any action on behalf of Puerto Rico to reach a conclusion on its future must be coupled with a mechanism to subsequently implement the people's will. It is evident that the recently approved law calling in November 14, 1993 for status referendum in Puerto Rico lacks the commitment from the United States Government to do that.

I am also very concerned with the exclusion of Puerto Ricans living outside Puerto Rico from that referendum. We must note the special relationship between the Puerto Rican community overseas, particularly the almost 3 million living in the United States and their brothers and sisters living in the islands. The rights of Puerto Ricans living outside Puerto to participate in any status referendum should be recognized.

Mr. Chairman, the time has come to achieve a permanent solution to the status problem. But this solution obviously cannot be arrived at by Puerto Rico alone. It will not be achieved unless the United States adopts an entirely different attitude to the one which has characterized its stand toward Puerto Rico until now.

The United States must understand that Puerto Rico represents one of the most important issues it must confront and resolve during the final decade of this century. It has consistently refused to acknowledge this need and has in fact by its actions helped compound rather than resolve the problem in many ways.

These actions have had adverse implications for all the status formulas historically considered. We, as Members of Congress, should pave the way for the people of Puerto Rico to express themselves and fearlessly to work with them to solve this seemingly intractable problem.

Mr. Chairman and members of the Subcommittee, thank you very much.

[Prepared statement of Ms. Velázquez follows:]

NYDIA M. VELÁZQUEZ
12TH DISTRICT, NEW YORK

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AND URBAN AFFAIRS

SUBCOMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT

SUBCOMMITTEE ON ECONOMIC GROWTH AND
CREDIT FORMATION

SUBCOMMITTEE ON CONSUMER CREDIT
AND INSURANCE

SUBCOMMITTEE ON GENERAL OVERSIGHT,
INVESTIGATIONS AND THE RESOLUTION
OF FAILED FINANCIAL INSTITUTIONS

COMMITTEE ON SMALL BUSINESS

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TESTIMONY OF CONGRESSWOMAN NYDIA M. VELAZQUEZ
SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS
COMMITTEE ON NATURAL RESOURCES
Hearing on H. Con. Res 94
JULY 13, 1993

Good morning, Mister Chairman and Members of the House Insular and International Affairs Subcommittee. I welcome the opportunity to appear before this Subcommittee to testify concerning House Concurrent Resolution 94, sponsored by my colleague and friend José Serrano. As you well know, this resolution merely endorses the right of Puerto Ricans to political self determination. I am also eager to discuss our ongoing struggle to establish a mechanism which will enable Puerto Rico to decide freely the future of its political relationship with the United States.

As dramatic changes take place on the international scene, and the United States assumes new responsibilities around the globe, the issue of the status of Puerto Rico continues to be too low a priority for the Federal Government. As the first Puerto Rican woman elected to the United States House of Representatives, I strongly support the United Nations' recognition of the inalienable right of the people of Puerto Rico to self-determination and independence.

The most significant obstacle to Puerto Rican self-determination has not been the inability of Puerto Ricans to express themselves by plebiscite, referendum,

constitutional convention or other form of consultation. In six different occasions, since 1868, the people of Puerto Rico have expressed their desires regarding the island's future. It has, rather, been the unwillingness of the United States Government to come to terms with its responsibility to abide by a true process of self determination for Puerto Rico.

This resistance on the part of the U.S. has taken many forms; the most prevalent of which is its insistence that the problem is based on Puerto Rico's inability to decide between commonwealth, statehood or independence. This position has enabled the U.S. to avoid having to come to terms with the development of a coherent policy concerning Puerto Rico.

This resistance to address the Puerto Rican status problem head-on, is as old as the U.S. presence in Puerto Rico. It has been fueled by this country's view of Puerto Rico as a key element in the geopolitical designs of the United States in the region. Puerto Rico has consistently been viewed as a military and naval outpost essential to the defense of the Panama Canal and of the shipping lanes vital to the preservation of U.S. strategic and commercial interests in the Americas. This was the case during the period covering the two global conflicts between 1917-1945, in which the protection of the Panama Canal from German military action became part and parcel of U.S. policy in the region. It continued unabated during the cold war period and was particularly exacerbated by the Cuban and Nicaraguan Revolutions of 1959 and 1979 respectively. The paramount importance assigned to Puerto Rico as a U.S. national security interest has defined the political and economic relationship between the two.

Now, as throughout recent history, the Puerto Rican people are working on their quest for a permanent solution to the political status question. Three options, - commonwealth, statehood or independence, have been proposed by the Puerto Rico's legislative assembly.

It is the moral and political obligation of the United States to extend to the people of Puerto Rico a sincere opportunity to democratically define this future political status. The people of Puerto Rico deserve no less, and the Legislative and Executive branches of the U.S. government must respect their wishes. Mr. Chairman, I understand the needs and concerns of my fellow citizens in Puerto Rico and I urge my colleagues in Congress to uphold those democratic principles, of freedom and self determination, espoused in the Declaration of Independence and the Constitution of the United States.

It is important to note that any action on behalf of Puerto Rico to reach a conclusion on its future must be coupled with a mechanism to subsequently implement the people's will. It is evident that the recently approved law calling a November 14, 1993 status referendum in Puerto Rico, lacks a commitment from the United States government to do that.

I am also very concerned with the exclusion of Puerto Ricans living outside Puerto Rico from this referendum. We must note the special relationship between the Puerto Rican community overseas (particularly the almost 3 million living in the U.S.) and their brothers and sisters living in the island. The right of Puerto Ricans

living outside Puerto Rico to participate in any status referendum should be recognized.

Mr. Chairman, the time has come to achieve a permanent solution to the status problem, but this solution, obviously cannot be arrived by Puerto Rico alone. It will not be achieved unless the U.S. adopts an entirely different attitude to the one which has characterized its stance towards Puerto Rico until now.

The United States must understand that Puerto Rico represents one of the most important issues it must confront and resolve during the final decade of this century. It has consistently refused to acknowledge this need and has, in fact, by its actions, helped compound rather than resolve the problem in many ways. These actions have had adverse implications for all the status formulas historically considered. We, as Members of Congress, should pave the way for the people of Puerto Rico to express themselves and fearlessly work with them to solve this seemingly intractable problem.

Mr. Chairman and Members of the Subcommittee, thank you very much.

Mr. DE LUGO. I want to thank you very much, Congresswoman Velázquez.

There is a clear relation between the resolution and the planned November plebiscite. Do you think that the plebiscite will be a legitimate act of self-determination and should Congress act on the results of that plebiscite?

Ms. VELÁZQUEZ. I think I agree with the position that was expressed here by Congressman Serrano. I think it is an important step and whatever could be done to bring this problem to the table to be discussed here in the Congress and in Puerto Rico, is important. But we need to act. This Congress has a moral obligation and a political responsibility to the people of Puerto Rico to define once and for all the political limbo in which the Puerto Rican people are.

Mr. DE LUGO. You said that a commitment is needed from the Federal Government. In your view, would the passage of this resolution provide such a commitment?

Ms. VELÁZQUEZ. I believe so, yes.

Mr. DE LUGO. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. We are glad to have you with us, Ms. Velázquez.

When you say that the commitment by Congress is necessary, why is it necessary beforehand?

Ms. VELÁZQUEZ. Because, as you know, the political situation. Why are we here?

Mr. ROMERO-BARCELÓ. Because there is a resolution.

Ms. VELÁZQUEZ. We are here to resolve the political situation in Puerto Rico.

Mr. ROMERO-BARCELÓ. The fact that we are considering it, doesn't mean it is necessary to be resolved. Why does Congress need to express itself before we do? Isn't it our problem basically? Isn't it we who should be really interested in solving it and take the first real step?

Ms. VELÁZQUEZ. I think the people of Puerto Rico should express themselves freely and that this Congress has a responsibility to abide by the decision made by the Puerto Rican people.

Mr. ROMERO-BARCELÓ. Are you aware of how the territories became States? The 37 territories that became States, when did Congress express itself beforehand or was it not the territories that have asked it?

Ms. VELÁZQUEZ. There have been many referendums, Hawaii, Alaska. Alaska conducted many referendums.

Mr. ROMERO-BARCELÓ. Some conducted one referendum and others made a petition through their legislature. Isn't it basically our dilemma, the Puerto Rican dilemma?

Ms. VELÁZQUEZ. There is a special unique relationship between this country and Puerto Rico. That is why you are here representing Puerto Rico.

Mr. ROMERO-BARCELÓ. I am here representing Puerto Rico as Commissioner, but not as a State. If we were a State, I would be here as a real congressman or perhaps in the Senate.

Ms. VELÁZQUEZ. We are here to express that the United States support whatever formula we support.

Mr. ROMERO-BARCELÓ. Why should we be subject to the will of Congress before we make a request?

Ms. VELÁZQUEZ. It would tend to tell me that you are going to go on and go forward and say that we are going to declare Puerto Rico the 51st State?

Mr. ROMERO-BARCELÓ. We are going to declare our preference and say to Congress this is our preference and make it valid. That is what the other territories did. They were told in the Senate Energy Committee on the last day of the hearings, when the bill that was filed by Senator Johnston was not approved, it was a tied vote, the Senators who voted against it said, now you go back to Puerto Rico and you make a decision and come to us. Don't ask us to tell you how we would give you an improved commonwealth or statehood or independence. You make your decision and then come to us. That is what they said and that is what has been done traditionally.

This resolution is important to the extent of bringing the issue to the table. But from the point of view of the Puerto Ricans, we should not let ourselves be cowed or be told, no, you have to wait for Congress to make an expression. We make our decision and then we come to Congress.

Ms. VELÁZQUEZ. I am saying it is okay for the people of Puerto Rico to call for a referendum and come up with a final resolve and come up here. But what I am saying to you is that it is important that this Congress express themselves that we will abide by the point of the referendum in Puerto Rico or whatever referendum is conducted in Puerto Rico.

Mr. ROMERO-BARCELÓ. What Congress says today in the 103rd Congress will not hold the 104th Congress to that statement by this Congress. The resolution of this Congress cannot be enforced in the 104th Congress. When I was Governor, there was a joint resolution passed unanimously by the Senate and the House supporting self-determination. If that is the resolution that would succeed in Congress, then it would be valid and enforceable today. This resolution is merely an expression.

I am not trying to argue with you, but to make sure the people understand that it is basically you, the people of Puerto Rico, that unless we take that first step, unless we make the decision, we cannot expect others to make it for us.

Ms. VELÁZQUEZ. I don't see any conflict with that. I just don't see the point.

Mr. ROMERO-BARCELÓ. You said there had been a lot of referendums in Puerto Rico. Has there ever been a referendum when a nonself-governing nation was considered?

Ms. VELÁZQUEZ. In 1967.

Mr. ROMERO-BARCELÓ. What was chosen?

Ms. VELÁZQUEZ. The commonwealth. It is up to the people to decide whether or not they want colony status.

Mr. ROMERO-BARCELÓ. Those two were final decisions for Puerto Rico. If Puerto Rico began reporting, would we discuss the status issue?

Ms. VELÁZQUEZ. I am not going to spend my time here arguing with you. Once and for all, this Congress has the responsibility to come up with a final solution of the political situation in Puerto Rico and to respect whatever position the people of Puerto Rico make. It is that simple.

Mr. ROMERO-BARCELÓ. What I am trying to make clear is the fact that we have never asked for something decisive to end the colonial dilemma in Puerto Rico. We asked for commonwealth, which is temporary. That is why we are here again, because we have commonwealth.

Ms. VELÁZQUEZ. We are here again because the result in 1967 of the Congress was not abided by.

Mr. ROMERO-BARCELÓ. Yes, it was abided by. You see the definition of the ballot, all the ballot said was define the commonwealth, and said committees would be created. But what was presented by the Government of Puerto Rico before Congress was never decided by the people of Puerto Rico before.

I am trying to make it clear that it is our fault basically and that we have had to recognize that. As much as Congress has to also recognize, and the President has to recognize that Puerto Rico is a colony. Once we recognize that, that is when we will have our problem solved.

Thank you.

Ms. VELÁZQUEZ. The people of Puerto Rico will decide.

Mr. DE LUGO. The gentleman from Guam?

Mr. UNDERWOOD. I have no questions.

Mr. DE LUGO. Thank you very much.

Join us, if your schedule will allow.

Mr. DE LUGO. We now welcome our final witness, a Member of Congress. He may be the last of the congressional witnesses, but certainly not the least.

Congressman Gutierrez has established a great presence in this House. He often makes a point of saying he is not the most popular Member since he has already shaken up the institution.

But, that is not the way I see it. The fact is that he is a fighter for his rights and he is a fighter for change, and it is change that we need for addressing problems and shaking up the system.

This is not his first appearance before this Committee. He appeared as a Chicago assemblyman during our hearings on this issue a couple of years ago.

It is a great pleasure to welcome you back, Luis, as a sitting Member of the Congress of the United States.

STATEMENT OF HON. LUIS V. GUTIERREZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. GUTIERREZ. Thank you, Mr. Chairman, members of the Committee.

I want to thank you very much for this opportunity to express my views on the resolution presented by my good friend, Congressman Serrano, and to thank him for drafting this resolution.

I think it is very appropriate that we address this resolution so close to the 4th of July, so close to the day when we, as Americans, come together to celebrate the day that the world witnessed the birth of a new kind of freedom and democracy.

I believe that the words Thomas Jefferson wrote 217 years ago have some very pointed relevance today and in the context of this resolution, and this debate.

He wrote that there are times when "in the course of human events, it becomes necessary for one people to dissolve the political

bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them."

More than one year earlier, Patrick Henry put the same idea in much plainer terms. Quite simply: "Give me liberty or give me death."

My friends, all of us in this room, particularly in this month of July, celebrate these words of the Declaration of Independence, of Patrick Henry's speech to the second Virginia Convention. As well we should, for they are among the most stirring and inspiring statements of the values we Americans hold most sacred—of freedom, of self-determination, of liberty. It is ironic, then, that we must mark two more anniversaries today.

For it was 95 years ago that the U.S. Marines, uninvited by the people, landed on the island of Puerto Rico. It was 40 years ago that the United Nations declared Puerto Rico to be a Commonwealth of the United States.

My friends, two anniversaries—the anniversary of freedom, and anniversary that all men are created equal, the anniversary of celebrating the fact that all men have certain inalienable rights—and the anniversary of an armed invasion that led to a century of inequality.

My friends, these two anniversaries are completely incompatible.

Patrick Henry said: "Give me liberty or give me death." And he was choosing liberty over the slow death that the American colonies were suffering at the hands of King George. Colonies that were taxed without proper representation, colonies that sent men to fight and die in wars across the world, colonies that were clearly denied the basic rights that true citizens were afforded.

Well, Mr. Chairman, it is far past due for us to admit that Puerto Rico is a colony of the United States. And it is far past due that we remedy this unacceptable situation. It is far past time that the U.S. Congress move aggressively to resolve the lingering and unfair current status of Puerto Rico. Which is why I support the concurrent resolution introduced by my colleague. However, Mr. Chairman, I support it only with the hope that it can be altered and improved. First, the first "whereas" clause contains a statement that I believe to be inaccurate. I believe, and I argue that Patrick Henry and Thomas Jefferson would agree with me—as would our more contemporary friends such as Lech Walesa, Václav Havel and Nelson Mandela—that the right of the Puerto Rican people to self-determination is inalienable. I do not agree, however, that their right to self-determination began with American citizenship in 1917—any more than the right of British colonists to self-determination began in 1776, or that hundreds of millions of Russians and East Germans and Poles received a "right" to self-determination began with the fall of the Berlin Wall and the defeat of communism.

In America, I believe we value that every human being has the right to self-determination. Sometimes it is extinguished by tyranny and oppression, but that does not mean the right ceases to exist. The Puerto Rican people have always had a "right" to self-determination. And they always will.

Mr. Chairman, I also believe it is important to mention that we Puerto Ricans have a reverence for our elders, so I would hate to

have to tell those of whom I have learned so much, my Puerto Rican friends who happen to be past their 76th birthday—those who were born before American citizenship was bestowed on the island in 1917, that they were born too soon to share in an inalienable right to self-determination. But I do consider this a serious point and I want to emphasize that I believe this resolution should clarify that point.

Because in addition to being historically incorrect, suggesting that the right to self-determination somehow springs from American citizenship can easily be construed to be supportive of a current option in the ongoing debate among Puerto Ricans concerning the status of the island, to be supportive of statehood.

In fact, to suggest, as the first "whereas" clause indeed does, that statehood for Puerto Rico is somehow an "inalienable right" is again incorrect. Statehood is a compact between two sovereign peoples. Absolutely, the people of Puerto Rico have a right to choose statehood. But let us not in the U.S. Congress mislead the people of Puerto Rico into believing that while many of us will respect whatever decision is made, there are many in the U.S., some here in this body, who will fight to deny them the option they have chosen. Indeed, statehood is more of a bilateral privilege, to be agreed upon by the people of the United States and the people of Puerto Rico. To pretend that any other case is true would be unfair to the 5 million Puerto Ricans on the island. For these reasons, in the interest of fairness and accuracy, I request that the first "whereas" clause be eliminated from the resolution.

Finally, Mr. Chairman, let me voice one additional concern. You, and many others, continue to speak of the "plebiscite" in Puerto Rico in November. Let us be careful with the language we use. Plebiscite is a specific word with a specified meaning that derives from international law. Let me suggest that before we call the vote to be held in Puerto Rico in November, a true plebiscite, that the U.S. Congress take several specific actions. The people of Puerto Rico will vote for independence, or statehood, or continuation of commonwealth status. Before we ask 5 million American citizens to participate in this process, let this body promise them that they truly have the right to self-determination.

Mr. Chairman, thank you for this opportunity.

Let us demonstrate that their votes truly count.

To do this, the U.S. Congress should preapprove whatever decision the Puerto Rican people make in November. Their decision should and must be self-executing. Let them know that if they vote for statehood, this body will not rise to deny them the privilege to join this great Nation. Let them know that if they choose independence, that we will stand with them and aid and assist in the rebirth of a great Nation. But let us not force the Puerto Rican people to participate in a charade that has no legal standing in this country or in international law.

What is being talked about is not a plebiscite, it is a nonbinding resolution or consultation. Let us not pretend that it is something it is not.

Mr. Chairman, we have seen momentous change across the globe. The iron curtain of communism has lifted. The winds of freedom, winds I am proud to say that have been fanned by our Na-

tion, are blowing throughout the world. The U.S. looks, and rightfully so, with pride to the new birth of democracy we helped create across the globe, yet we look away from democracy we silence in our own back yard.

Let us begin the process of honoring the values of Jefferson, of Henry, of Abraham Lincoln, when he said that government of the people, by the people, for the people shall not perish from the earth. Let us begin this important process of decolonizing Puerto Rico.

Mr. Chairman, I thank you for this opportunity.

Mr. DE LUGO. Thank you for a very important statement, Congressman Gutierrez.

[Prepared statement of Mr. Gutierrez follows:]

STATEMENT OF CONGRESSMAN LUIS V. GUTIERREZ

Mr. Chairman, honorable members of this committee, I want to thank you very much for this opportunity to express my views on the concurrent resolution introduced by my good friend and colleague, Congressman Serrano.

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I believe that the words Thomas Jefferson wrote 217 years ago have some very pointed relevance today and in the context of this resolution, and this debate.

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Let us begin the important process of decolonizing Puerto Rico.

Mr. Chairman, thank you for this opportunity.

Mr. DE LUGO. Let me now recognize the gentleman from Puerto Rico for any questions he may have of the witness.

Mr. ROMERO-BARCELÓ. Good morning, Mr. Gutierrez.

Mr. GUTIERREZ. Good morning.

Mr. ROMERO-BARCELÓ. Do you know of any territory in the Nation that prior to its becoming a State got an expression from Congress saying what Congress would do regarding a referendum that they held; or do you know of any case—

Mr. GUTIERREZ. Mr. Resident Commissioner, I respectfully answer that it does not pertain to the particular case that we are discussing here today of Puerto Rico, in that Puerto Rico is a Latin American country, a country that was invaded by the United States of America. It has been declared a colony by the international body of the United Nations. You and I all agree it is a colony, and so we should conform our discussion to how it is Puerto Rico is decolonized by the current international measures which are accepted throughout the nations of democracy.

Mr. ROMERO-BARCELÓ. Except the other nations of democracy do not have the process of accepting States, as this Nation does, and I ask once again, do you know of any territory that prior to becoming a State the Congress gave some kind of guarantee on whatever they decided? Do you know of any?

Mr. GUTIERREZ. Mr. Resident Commissioner, respectfully, I have not looked at that history. I have come here prepared, however, to discuss and answer any questions pertinent to the situation at Puerto Rico, which is why I believe we are hear this morning.

Mr. ROMERO-BARCELÓ. You don't think we should look at the situation, in any given situation, in the perspective of other situations?

Mr. GUTIERREZ. Mr. Resident Commissioner, do not put words in my mouth by suggesting I said something that indeed the record will reflect I did not say.

I suggested I have come here prepared to answer questions in reference to the concurrent resolution of Congressman Serrano and to the case of Puerto Rico specifically.

Mr. ROMERO-BARCELÓ. You refuse to say whether you know of any territory—

Mr. GUTIERREZ. I am simply suggesting to you, Mr. Resident Commissioner, I have come here prepared to speak and to discuss the issue that is before us, and I will do so and answer any questions you have.

Mr. ROMERO-BARCELÓ. Let me inform you and for the record that there is no other, no case of any territory that got any kind of an expression that you are asking Congress to do. So when you ask for that, in a way you are stopping or you are impeding the decolonization process that we want to start now in November.

Do you feel that in the November election that the independence option has a real chance of winning?

Mr. GUTIERREZ. That is a decision that will be made by the people on the island of Puerto Rico. I am not going to try to guess the results of any election. In politics, that is really not a good thing to do. I will leave that decision to the people of Puerto Rico.

I will, however, suggest that before the people of Puerto Rico can make a decision, the sovereignty, the sovereignty of the Puerto Rican people, which I believe you know and understand rests here in the Congress of the United States, must be returned to the people of Puerto Rico so that then they can in the concert of free and independent nations make a decision, make a decision freely and unequivocally as to their political future.

Until such time this Congress of the United States restores the sovereignty of the people of Puerto Rico back to the people of Puerto Rico, they cannot, in my humble judgment, and I know we will disagree, make a decision about how it is they are going to decolonize.

Mr. ROMERO-BARCELÓ. Your position is that as long as Congress does not make such an expression, we should not try?

Mr. GUTIERREZ. I simply stated, and the record will state, that what I said was let us not confuse what is happening in November in Puerto Rico and, indeed, I can show you excerpts from the newspapers in Puerto Rico and from all of the latest political dialogue that occurs there that very few people are calling it a referendum. Very few people are calling it a plebiscite. Most people would agree, I believe, and I humbly suggest most people believe it is a consultation.

Mr. ROMERO-BARCELÓ. It is a consultation.

Mr. GUTIERREZ. And that that is all it is, is a consultation. It is not an exercise, it is not an exercise as a plebiscite would be. In order to have a plebiscite, under international law that we understand, the Congress of the United States would have to make it self-executing so that the people of Puerto Rico would know what the conditions are and they would know the decision carries with it real meaning.

Mr. ROMERO-BARCELÓ. Whether it is called a plebiscite or not, it is a consultation. It is recognized as such, a consultation, to begin the process. Are you against the consultation?

Mr. GUTIERREZ. I am not against any dialogue of the Puerto Rican people that helps to decolonize the process, but I would be remiss, I would be remiss in, I feel, my responsibility, to allow this consultation to be interpreted by the international community as a plebiscite, a referendum, with real meaning in this body and in international law.

Mr. ROMERO-BARCELÓ. The real referendum will be in the enforcement of that will or desire expressed in the consultation.

Mr. GUTIERREZ. The real referendum——

Mr. ROMERO-BARCELÓ. Once the consultation is made, the State will then come to Congress with a bill for admission. If the bill of admission is accepted, is approved by Congress, the House and Senate would most surely have a condition that it be submitted to the people of Puerto Rico for acceptance and then that referendum would be what you call a plebiscite, and then that decision will be self-enacting.

Mr. GUTIERREZ. Well, let me just suggest that while I am here as a Member of this body and the issue of a plebiscite is truly—I will argue, and argue vehemently, it follow international law to the letter of the law, that every “T” is crossed and every “I” is dotted.

I will not allow Puerto Rico, an island which saw me come to this planet earth, to be a second citizen once again. I want for Puerto Rico the same rights as those who have struggled for freedom and democracy in South Africa under international law; I want the same freedoms as in Chile, as in any decolonizing country or any country in which democracy is needed to be reestablished.

Mr. ROMERO-BARCELÓ. So if the people in Puerto Rico voted for statehood in this consultation process and the bill for statehood, the bill came before Congress, which would have a requirement to submit it to the people of Puerto Rico for ratification, would you vote in favor of that bill?

Mr. GUTIERREZ. I cannot—and I understand your question now very, very clearly, Resident Commissioner, I believe, and maybe I didn't understand it in the beginning; I mean that is why, Mr. Resident Commissioner, Carlos Romero-Barceló, I do not call it a plebiscite or a referendum, because it could be construed as such and that would be really wrong to do that.

There needs to be, in order for Puerto Rico—you have asked repeatedly here today why does the Congress of the United States—it is Puerto Rico's problem. We have somehow inflicted it upon ourselves that we have not resolved this issue. Let me suggest that that is far from the truth. How can an island of 3.5 million people have the power when the sovereignty of that people is controlled by what is the most powerful nation in the world in that relationship?

Resident Commissioner, I will tell you that I am ready and willing to sit down with you, and anyone else in this body, to draft legislation that is truly decolonizing in Puerto Rico, but the standards under which Puerto Rico becomes decolonized, I must submit to you today, have to be the highest standards of international law. We have fought too hard and too long, and too much blood has been shed for Puerto Ricans to have anything less than that.

Mr. ROMERO-BARCELÓ. In other words, if the people of Puerto Rico vote for the consultation and an admission bill is presented before the Congress, you would not vote for it?

Mr. GUTIERREZ. I do not accept the November consultation as anything more than a consultation. It is not a binding resolution on this body, and so, therefore—I mean, that is what it is.

Mr. ROMERO-BARCELÓ. So that when a statehood bill is presented in Congress; that is what I am asking you.

Mr. GUTIERREZ. That emanates from this? A statehood bill that would emanate?

Mr. ROMERO-BARCELÓ. And that Congress would then require a referendum.

Mr. GUTIERREZ. All it would be is your bill, and I would treat it as a bill of a Resident Commissioner from Puerto Rico, as I treat any other piece of legislation that you bring before—I would not treat it as the fulfilling of the will of the Puerto Rican people, let us be clear about that.

Mr. ROMERO-BARCELÓ. Would you vote for it or not?

Mr. GUTIERREZ. For what?

Mr. ROMERO-BARCELÓ. For the statehood bill.

Mr. GUTIERREZ. I would vote for a resolution of the colony of Puerto Rico in which there has been full participation of the Puerto

Rican people in a process, in a very decolonizing process according to international law and principles.

Mr. ROMERO-BARCELÓ. In other words, you would not vote for a statehood bill under those conditions; the ones I have expressed to you.

Mr. GUTIERREZ. I want to make it categorically and absolutely clear to you, and all the Members of this body, that I would never accept a decision that comes out of a nonbinding, a vote in Puerto Rico such as the one that is being—and no one suggests it. I think there are many people who are harmonious with me in that statement.

Mr. ROMERO-BARCELÓ. Not too many, now.

Mr. GUTIERREZ. Let me suggest to you there are many people that are, that understand that.

Mr. ROMERO-BARCELÓ. Not Puerto Ricans. There are some but not many.

Mr. GUTIERREZ. Only some? Let me tell you, sometimes there are only a few that are sometimes correct in their attitudes and in their positions and that, you know, we have to take them as we do.

Mr. ROMERO-BARCELÓ. I am glad you think you are the owner of the truth and not the people of Puerto Rico.

Mr. GUTIERREZ. I didn't say that, and I would suggest once again that you do not put words in my mouth.

Mr. ROMERO-BARCELÓ. I am not putting words in your mouth. I am interpreting the words the way people interpret them.

Mr. GUTIERREZ. The way you interpret them, Resident Commissioner.

Mr. ROMERO-BARCELÓ. I am attempting to clarify so the people understand clearly what you are saying. Thank you.

Mr. DE LUGO. Thank you. The gentleman from Guam.

Mr. UNDERWOOD. Thank you very much for your testimony, Congressman.

Just a quick question on the line of questioning that Mr. Romero-Barceló followed.

If this resolution were passed, how would that change your attitude toward the process of the plebiscite in November?

Mr. GUTIERREZ. I think this is a concurrent resolution. It would certainly help in terms of developing, and so I thank my distinguished colleague from New York for bringing the resolution forward. I think it is a beginning. It is a beginning and a discussion.

I would certainly like to broaden that discussion and have a discussion in which Puerto Rico is truly treated under international law and principles in its process of decolonization.

Mr. UNDERWOOD. Since you have obviously given a great deal of thought to this issue, and you mentioned in your testimony that self-determination is the right of the Puerto Rican people, and in your own testimony you said it always had this right, it predated and is not connected to U.S. citizenship and that it always will, I am kind of concerned about a statement like that because I am trying to figure out at what point in time you always have the right to self-determination yet at some point in time you must admit the right to self-determination has been exercised.

It is not something you will always have. At some point in time we must visualize that there is some structure through which self-

determination will be exercised. So can you, since you have given this issue a great deal of thought, can you outline at what point in time that might be, and under what conditions would you consider self-determination to have been exercised, independent of the results of that process?

Mr. GUTIERREZ. Yes, I think that the Puerto Rican people as a nation and as a people with a given historical context, cultural context, have a right to develop their relationships so that self-determination is inalienable; it is never given up. You can change it at any time as long as it is a free will of the people.

If the people of Puerto Rico wish tomorrow to become, and I would argue if the people of Puerto Rico tomorrow wish to become a State of the Union, and they did that, and they decided 20 years from now that they wanted to change that, that they wanted to change that, it would be their inalienable right to change that. Maybe they made a mistake. Maybe they disagree with that, that that is not in harmony with the history of this Nation is a contradiction we will all have to live with, but Puerto Rico can do whatever it wants as a body and as a people.

Do I believe that if at a certain point should Puerto Rico become a State that we would be absorbed; that the process of Americanization on the island would be such that there would come a point it would be irreversible? Probably I would agree with that also.

Mr. UNDERWOOD. As a social, political and cultural process, let me separate Americanization from the fact of self-determination. You could be Americanized to the hilt and still think that you have not been allowed the full right to self-determination.

My question is since it is not going to happen tomorrow, the question that I have asked is under what conditions do you think an act of self-determination is fully consummated? And if there is no point in time in which that act is fully consummated, we simply cannot enact it into law. You are presenting a dilemma which makes it very difficult to resolve.

Are there some conditions under which you consider an act of self-determination for Puerto Rico to have been consummated?

Mr. GUTIERREZ. Yes, again, under international standards of the sovereignty and the powers and there were transference of powers to a convention, a constitutional convention in Puerto Rico, where the people of Puerto Rico make a decision freely and unequivocally, I could support that decision.

All I am suggesting, and I want to be as honest with you in my opinion as I fully can, Mr. Underwood, it is just you have to understand I believe that Puerto Rico is a Latin American country and that there are inherent contradictions with the assimilation of that nation within the United States of America.

It is very different from other territories and it is very different historically. I mean, let me put it to you this way, it was really funny to me, you know, I felt a lot of pride in watching Miss Puerto Rico become Miss Universe. I watched it with my two lovely daughters. But as I watched it, the contradictions abound. Here she was an American citizen, but when the questions were posed to her, there had to be a translation of those questions.

Here she was in Mexico, and it was clear to me there were politics involved here where all of the finalists were Latin American

countries, and I felt so proud that the Latin American countries even at this contest understood that Puerto Rico, too, was a Latin American country. What other way can you explain that Puerto Rico would be there with Venezuela and all the other countries? And she answered the questions in Spanish, had them translated to her in English.

So you know, Mr. Underwood, colonialism can do many, many things and many, many years of colonialism are very difficult to resolve. Let us continue the discussion in a spirit in which we can finally attempt to resolve the colonial situation of Puerto Rico where everyone comes together, and Puerto Rico can become part of the harmony of nations or can be incorporated into the United States of America.

Mr. UNDERWOOD. You know, I appreciate and understand the comments that you have made in terms of the relationship between Puerto Rico and the United States, but I would hasten to add at the same time that Puerto Rico is not alone in feeling these contradictions. These contradictions are something that cut across a number of peoples that have been similarly affected historically, but at the same time, my only point here is to try to get resolution of an issue. We could live these contradictions out for the rest of our lives and, in fact, pass on these contradictions intragenerationally, but what I am seeking is an attempt to resolve the issue of self-determination.

On a related point——

Mr. GUTIERREZ. Maybe just——

Mr. UNDERWOOD. Just a related question, because you closed your statement with this. The point that you make about decolonization is an interesting one, because that seems to be more process than self-determination. Self-determination tends to imply that there is a defined event, aha, we are now going to engage in this act of self-determination, we have engaged in it, now it is over, now we are going to implement it. Whereas decolonization implies a more complex process and it is something that a lot of people disagree about what the meaning of decolonization is.

There has been reference made to the role of Puerto Ricans who live in the 50 States with regard to self-determination and the future political status of the island as well as some reference made to people who perhaps are not Puerto Ricans who live in Puerto Rico. I assume I could go to Puerto Rico tomorrow and within 30 or 60 days exercise the same right to self-determination which historically propels all of you to be here, but which I am not part of that history. So that connection to U.S. citizenship is tenuous at best.

But the question that I have is in terms of decolonization, what is being decolonized, the Puerto Rican people or the island of Puerto Rico?

Mr. GUTIERREZ. The people of Puerto Rico——

Mr. UNDERWOOD. And could you just kind of describe how you see that process occurring?

Mr. GUTIERREZ. Let me give it to you in probably the best way I can, Mr. Underwood. When I was in Puerto Rico, I arrived there at the age of 15, and I remember, with my father, as we got into the car and he said to me—I saw some people come by with these

red and white flags and had some pava on it and pan pierra and libertad on it. I said to my father, what is that about? He said those are the good guys. Those are very, very good people, and if you feel you want to associate with them, you should feel very, very free to do that because they brought Puerto Rico into this great state of harmony and development and they have been great. I said great.

About a week later, some people came by with some blue ones, you know, and white. I said what about those people? I said they look like they are organized like the ones in red. He said, well, they are not as good as the guys in red, I have to be quite honest with you. I wouldn't—but, you know, if you feel an attraction to that, I could bless that. That would be okay.

And then about a week later, because I am from San Sebastian, where there is lots of independentistas, so, fortunately, we had one as large as the other two, so I didn't understand the difference. I thought they had the same numerical value in terms of voting. So people came by and they had a cross and I thought they must be the Christian people, they have a cross and it is green.

I said, what about those, Dad? And he said, oh, no, no, no. I explained to you the guys in red were okay; that the guys in blue were not as good as the guys in red, but they were acceptable, but if you join and you get close to those guys in green, with what you think is a Christian symbol, my son, you won't get a job later on; my son, you won't be able to raise a family and you won't be able to prosper here. There will be prosecution; people will shun you; you will be criticized. That is the minority party and you should not associate with them because you cannot prosper on the island of Puerto Rico.

That is colonialism. That is colonialism and that is what we all feel. And in the process of decolonization, you have to feel free to be able to associate with the ones in red, with the ones in blue, with the ones in green in a true process of decolonization, and then you make the decision and then you exercise your right to self-determination.

Mr. UNDERWOOD. The question or the point you made relative to the right to self-determination and its connection or lack of connection to U.S. citizenship, yet there seems to be a contradiction. I am trying to play this out in my mind.

What we are looking for here is the U.S. Congress to, in a sense, acknowledge the right of people to self-determination that live under the flag, yet those people who live under the flag, who have a right to self-determination not by virtue of citizenship.

So what would you say to the argument that what we are really seeking is for the U.S. Congress to grant a series of rights to noncitizens; to non-Americans? And why would the Congress be involved in a process like that?

Mr. GUTIERREZ. Because the Congress of the United States understands, and we all understand, as Congressman Serrano has testified, as Congresswoman Velázquez, as everyone has testified, it is a shameful relationship and it is a relationship with the Congress of the United States having its control over the sovereignty of the people of Puerto Rico which needs to be resolved. So it is something we need to deal with because we are the colonial power.

If you agree Puerto Rico is a colony, then the United States is the colonist power. So it is incumbent on us to secure and to exercise and to return to the people of Puerto Rico all of their rights of self-determination so they can exercise them.

Mr. UNDERWOOD. Well, I was hoping in the discussion of this, and it is going to be a recurring theme, certainly the process of decolonization and the right to self-determination as part of this, and I have always been warned, and repeatedly I might add, when you discuss these issues with Puerto Ricans, they cannot separate those issues from the status options.

It always seems every time we try to reach a point where we are trying to understand the process, and what we are talking about here is process—who has the right to self-determination, how that is exercised, and what does decolonization mean, and what does it mean to people who are separated, what does it mean to people who don't live in Puerto Rico—inevitably, we get tangled up in the process of trying to deal with the particular status options.

But I think, clearly, what I am most interested in is trying to get a handle on that self-determination process and on that decolonization process, which is more than pointing out contradictions. I am hopeful that our work in this Committee will get closer to that.

I think living under contradictions and pointing out the contradictions is one level of a very important process towards decolonization, but we go beyond that to much more serious work.

In regard to Congressman Serrano's earlier remarks where he said the assemblyman didn't know that the Puerto Rican Army used the U.S. flag, I hasten to add I didn't know that either.

But just as a final recommendation, the role of Puerto Rico in the lives of others who have a similar history is very large and please remember that as you continue your own discussions, because in a sense it is part of your own responsibility by virtue of the fact that you see yourself as small versus the Federal Government, we see ourselves as small in comparison to Puerto Rico.

I had the audacity to attempt to cash a check at Montgomery Ward's about three months ago, and they kept punching up in the computer and they said, "Says here you are not a U.S. citizen." I said, "I am a U.S. citizen." So they punched up Guam and said it is not in the code. They have everything in the code but Guam is not in the code. I said, "You know, I am a Member of the House of Representatives, and do you think they would let non-U.S. citizens sit in the House of Representatives?" Yeah, but it is not in the code. So I said, "Can you see if Puerto Rico is in the code?" Says yes, it is in the code. I said, "Well, just think of me as Puerto Rican," and they did. Thank you.

Mr. GUTIERREZ. And I think, Mr. Underwood, speaking only for myself, but I think that we could probably accept you fully fledged as a member of the Puerto Rican community. I honestly—Mr. Underwood, your point, this is not going to be an easy discussion. It should be a complicated discussion in terms of making sure we discuss it all.

We have not heard the beginning of this. Wait until—I mean, if this actually were ever to go to the Floor, we would discuss the national debt of this Nation as it refers to the status of Puerto Rico,

the deficit. There would be many Members that would say, aren't we going to deal with Washington, D.C. and the issue of unfairness in Washington, D.C.? I mean, we are not alone and I would simply suggest to you, Mr. Underwood, that you and I, being members of the same Hispanic Caucus, fortunately we will have many occasions in which to discuss this and what we perceive to be many, many other contradictions.

Mr. DE LUGO. Well, let the Chair observe that I guess that just about everybody in this room today can relate to the stories that have been told by you, Nydia, and José Serrano. In addition to the experience of my colleague from Guam trying to cash a check and attempting to convince them that he is a United States citizen and a Member of this great family. This of course is at the crux of the very problem that we have lived with, these contradictions.

One thing, Luis, I heard, and I was a little taken aback. I thought I heard you say that if Puerto Rico chooses statehood, and then later determined that they had made a mistake, that basically tough, they are going to leave the Union. You cited a quote from Lincoln in your presentation, which I believe has been resolved. Furthermore, I would hope that the people of Puerto Rico know full well that statehood is irreversible; the Civil War was fought to preserve the Union. Once you become a State, you cannot leave. You have made a mistake that you must live with. You become part of the family as full-fledged members of the Union.

So that one took me back and——

Mr. GUTIERREZ. And you know what I was trying to do, Mr. de Lugo, I was trying to give an honest, open answer to the question that Mr. Underwood posed, and that is part of the dilemma.

See, in the process of decolonization, the people of Puerto Rico should understand that there is no going back; that you cannot change the situation. More importantly, the people of the United States of America and the 50 States should understand the consequences that could be derived from conferring statehood upon Puerto Rico, because, you know, Quebec exists within Canada, and I am sure that there are those who suggest that it cannot secede.

Let us not create a situation that we do not understand going into it. I want everybody to be fully understanding, you see, because the right of a people to self-determination is inalienable, it is constant. It never ceases, Mr. Underwood. It never ceases.

What do you do with the 10 percent, ah, let's make it 5 percent of the 3.5 million Puerto Ricans who live on that island who decide they are for independence and the other 5 percent who probably don't vote? You have 350,000 American citizens who believe in independence and believe in the inalienable rights of that country to independence. Shouldn't we make sure every Member of Congress understands they are going to continue to exist and they are going to continue to articulate independence for Puerto Rico? Shouldn't we understand the Latin American context? It is not another country. It is a very special relationship. Puerto Rico is a Latin American country.

So I want to discuss it with you and with others so that we can really make the most informed decision, and I think if the Congress of the United States makes the most informed decision it can, it will be a fair and equitable decision.

Mr. DE LUGO. That completes a very stimulative exchange, and, again, I would want to invite you to stay with us as long as your schedule will allow you.

Mr. GUTIERREZ. Thank you. I will do so, Mr. Chairman.

Mr. DE LUGO. We are going to move along. That was our final congressional witness.

Our next witness, the first witness from Puerto Rico, is the Secretary of State of Puerto Rico and a former Member of Congress, the Honorable Baltasar Corrada del Rio. He is appearing on behalf of the Governor of Puerto Rico and the New Progressive Party, which advocates statehood.

It is a pleasure to welcome him back to this Subcommittee on which he served for so many years and served so well. Good to see you.

Mr. DEL RIO. Thank you very much. Mr. Chairman, distinguished members of the Subcommittee——

Mr. DE LUGO. Would the gentleman suspend for just a moment?

People are moving around a little bit. I will tell you what, before the Secretary of State begins, we have five seats up here, why don't some people come up here and sit down.

I want to also recognize in the audience another good friend of mine, Bob Garcia, a former Member of Congress from the Bronx. Bobby, good to see you.

Mr. GARCIA. Thank you.

Mr. DE LUGO. Anyone in back wish to come up front, because I will ask everybody to settle down now. We want to hear everything that the Secretary of State has to say on behalf of the Government of Puerto Rico.

Okay, can we close those doors, those that are coming and going? All right. First of all, without objection we will place your entire statement in the record and we will now proceed. I would also like to ask the audience to please be courteous to all the witnesses.

Good to have you here Baltasar, please proceed.

STATEMENT OF HON. BALTASAR CORRADA DEL RIO, SECRETARY OF STATE OF PUERTO RICO, REPRESENTING THE GOVERNOR OF PUERTO RICO AND THE NEW PROGRESSIVE PARTY OF PUERTO RICO

Mr. DEL RIO. Thank you, Mr. Chairman, and members of the House Subcommittee of the Insular and International Affairs.

My name is Baltasar Corrada del Rio. It was my privilege to serve in the House of Representatives as Resident Commissioner of Puerto Rico for eight years. Thereafter, I was elected Mayor of San Juan and held the position of President of the New Progressive Party. Currently, I hold the office of Secretary of State, which is the second highest office in the executive branch of the government of Puerto Rico.

Today, I appear on behalf of the Governor of Puerto Rico, the Honorable Pedro Rossello, to present the views of his administration on the concurrent resolution submitted by Congressman Serrano, supporting the right of the people of Puerto Rico to self-determination.

I may say, and although I believe that this resolution is unnecessary, I have to commend Congressman Serrano. First of all, it is

well-intended and, secondly, the principles on which it is based are sound democratic principles and I wish to commend him for his effort.

On July 24, 1979, I introduced a concurrent resolution that reaffirmed the commitment of Congress, and I quote from it: "To respect and support the right of the people of Puerto Rico to determine their own political future through a peaceful, open and democratic process."

I heard this has been watered down, but let me tell you this is a much stronger and as strong a statement as you can find in the concurrent resolution that you have before you. So if it was watered down, it still is as good as the one that is being proposed by our good friend Congressman Serrano, if you read carefully what it says: Respect and support the right of the people of Puerto Rico to determine their own political future through a peaceful, open and democratic process.

Its adoption by Congress as H. Con. Res. 165 on August 2, 1979, was predicated on the need to set the record straight with the Committee on Decolonization of the General Assembly of the United Nations which, under the leadership of the Cuban delegation, had interfered in the internal affairs of the United States and Puerto Rico and, for the first time in 1978, adopted a resolution that put into question that the people of Puerto Rico were able to exercise self-determination under our political relationship with the United States.

Today, however, it is unnecessary for Congress to make any further expression relating to the rights of the American citizens domiciled in Puerto Rico to determine the island's political future. There is no need to emphasize what is now obvious—that Puerto Ricans, as a community of 3.6 million American citizens, do have the right to self-determination regardless of whether this Congress approves this resolution or not.

The right of the people of Puerto Rico to self-determination has been widely recognized. It is a natural and human right. Every President from Dwight Eisenhower to Bill Clinton is on record supporting the right of the people of Puerto Rico to choose for ourselves the island's future political status. The national party platforms of both the Republican and the Democratic parties have repeatedly supported the right of the people of Puerto Rico to freely determine our political relationship with the United States.

The 1992 Republican platform supported, and I quote, "the right of the United States citizens of Puerto Rico to be admitted to the Union as a full sovereign State after they freely so determine." And, in its 1992 platform, the national Democratic party pledged, and I quote, "to support the right of the people of the Commonwealth of Puerto Rico to choose freely, and in concert with the U.S. Congress, their relationship with the United States, either as an enhanced commonwealth, a State or an independent nation."

Furthermore, it is unnecessary to reaffirm a right which the people of Puerto Rico are already in the process of exercising. The Subcommittee may already be aware that on July 4, 1993, Governor Rossello signed into law Act No. 22: "Provide by the legislature of Puerto Rico that provides for a political status plebiscite to be held in Puerto Rico on November 14 of this year and that steps are

being taken towards that law being implemented." In other words, the people of Puerto Rico, through their valuably elected officials, the Governor and the legislature of Puerto Rico, have decided to hold a plebiscite on that matter, and we wish Congress and this Committee to take note of that fact.

The plebiscite will allow the American citizens of Puerto Rico to choose among statehood as defined by the New Progressive Party, independence as defined by the Puerto Rican Independence Party, and commonwealth status as defined by the Popular Democratic Party. This approach has the advantage of expediting the plebiscite and infusing into the process an important element of fairness.

The New Progressive Party, which advocates statehood, enjoys a two-thirds majority in Puerto Rico's legislature. By allowing each party to define the status options which they advocate, Governor Rossello and our legislature sought to exclude the mere possibility that the majority party could impose on a minority party a definition of its status alternative that would not conform to the minority party's political ideology.

Other elements of fairness in the plebiscite legislation just approved include a generous appropriation of \$900,000 for media expenditures to each political party as well as equal spending limits of \$3 million, including \$1.5 million in media expenditures, for each party accepting public financing. This ensures that an equitable distribution of funds among the three status options will take place. In fact, the statehood option favored by the majority party will be outspent two to one by the status options represented by the two minority parties opposing statehood. Moreover, Act. No. 22 applied to the plebiscite a prohibition, similar to that in our Electoral Act, against government advertisements 60 days before the plebiscite.

After the plebiscite is held, it is expected that the proponents of the status option favored by the Puerto Rican electorate will negotiate in Congress the terms and conditions on which that status option can be implemented and that the legislation adopted in Congress would thereupon be submitted to the Puerto Rican voters for their acceptance or rejection in a referendum. Any effort by Congress to predefine the terms and conditions of each of the status alternatives to the Puerto Rican people would seriously undermine the self-determination process currently underway.

The territory acts first and Congress responds. That is the best American tradition. That is the American way of admitting territories as new States.

In view of the legal and political framework in which the November 14 plebiscite will be held, Congress can rest assured that it will be a true exercise in self-determination.

The right of the people of Puerto Rico to determine their political future finds sustenance in the principles that fostered the birth and nurtured the growth of this Nation and which found expression in the Declaration of Independence and in the United States Constitution as well as the State constitutions and the Constitution of the Commonwealth of Puerto Rico. I am referring to the fundamental principles of liberty, democracy, government by consent, popular sovereignty and self-government. At the ceremony on which Governor Rossello signed Act. No. 22, I reminded myself that

it was 217 years ago on July 4th that this Nation had its origin on the idea that governments, and I quote, "derive their just powers from the consent of the governed"—an idea which is at the core of the principles of self-determination. What was good for the 13 colonies is good as well for Puerto Rico.

Today, we come here not to ask Congress to permit us to exercise our right to self-determination, and that is why we believe that this resolution, although well-intended, is unnecessary, we do not come here to ask you to let us exercise our right to self-determination. We are doing this on our own by the will of the people of Puerto Rico and the legislature of Puerto Rico.

Today, we do not come here to beg you to let us know beforehand how far you are willing to go in predefining statehood, independence or commonwealth, or to spell out the terms and conditions under which Congress would consider extending those options to part. We tried that in 1989-1991 and nothing happened.

Today, we come here to tell you that we, the people of Puerto Rico, stand ready to make our decision and select statehood, independence or commonwealth in the November 14 plebiscite. Today, we come here to tell you that we expect support and respect for the just and fair course of action undertaken by Governor Rossello, the Senate and the House of Representatives of Puerto Rico in deciding that we must decide. Today, we come here to tell you that once a mandate of the people of Puerto Rico is obtained, in the November 14 plebiscite, we will come here again to knock at the doors of Congress as Puerto Ricans and as a community of 3.6 million American citizens to implement the will of we the people, as the 13 original colonies once did and 37 territories have done from Delaware to Alaska and Hawaii in the history of our Nation.

I thank you for your attention, and will gladly answer any of your questions.

Mr. DE LUGO. Thank you very much, Mr. Secretary.

[Prepared statement of Mr. del Rio follows:]

Testimony of

**The Honorable Baltasar Corrada del Río
Secretary of State of Puerto Rico**

**Before the U.S. House of Representatives
Subcommittee on Insular and International Affairs**

regarding H. Con. Res. 94

July 13, 1993

Mister Chairman and members of the House Subcommittee on Insular and International Affairs:

My name is Baltasar Corrada del Río. It was my privilege to serve in the House of Representatives as Resident Commissioner of Puerto Rico for eight years. Thereafter, I was elected Mayor of San Juan and held the position of President of the New Progressive Party. Currently, I hold the office of Secretary of State which is the second highest office in the executive branch of the government of Puerto Rico.

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Puerto Rico were able to exercise self-determination under our political relationship with the United States.

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Furthermore, it is unnecessary to reaffirm a right which the people of Puerto Rico are already in the process of exercising. The Subcommittee may already be aware that on July 4, 1993 Governor Rosselló signed into law Act No. 22 that provides for a political status plebiscite to be held in Puerto Rico on November 14th of this year and that steps are being taken towards that law being implemented.

The plebiscite will allow the American citizens of Puerto Rico to choose among statehood, as defined by the New Progressive Party, independence, as defined by the Puerto Rican Independence Party, and commonwealth status as defined by the Popular Democratic Party. This

approach has the advantage of expediting the plebiscite and infusing into the process an important element of fairness.

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After the plebiscite is held, it is expected that the proponents of the status option favored by the Puerto Rican electorate will negotiate in Congress the terms and conditions on which that status option can be implemented and that the legislation adopted in Congress would thereupon be submitted to the Puerto Rican voters for their acceptance or rejection in a referendum. Any effort by Congress to pre-define the terms and conditions of each of the status alternatives to the Puerto Rican people would seriously undermine the self-determination process currently underway.

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The right of the people of Puerto Rico to determine their political future finds sustenance in the principles that fostered the birth and nurtured the growth of this Nation and which found expression in the Declaration of Independence and the U.S. Constitution as well as the State constitutions and the Constitution of the Commonwealth of Puerto Rico. I am referring to the fundamental principles of liberty, democracy, government by consent, popular sovereignty and self-government. At the ceremony on which Governor Rosselló signed Act No. 22 I reminded myself that it was 217 years ago on July 4 that this Nation had its origin on the idea that governments, and I quote, "derive their just powers from the consent of the governed" —an idea which is at the core of the principle of self-determination. What was good for the thirteen colonies is good as well for Puerto Rico.

Today we come here not to ask Congress to permit us to exercise our right to self-determination. Today we do not come here to beg you to let us know beforehand how far you are willing to go in predefining statehood, independence or commonwealth, or to spell-out the terms and conditions under which Congress would consider extending each of those options to Puerto Rico. We tried that in 1989-1991 and nothing happened.

Today we come here to tell you that we, the people of Puerto Rico, stand ready to make our decision and select statehood, independence or commonwealth in the November 14th plebiscite. Today we come here to tell you that we expect support and respect for the just and fair course of action undertaken by Governor Rosselló, the Senate and the House of Representatives of Puerto Rico in deciding that we must decide. Today we come here to tell you that once a mandate of the people of Puerto Rico is obtained, in the November 14th plebiscite, we will come here again to knock at the doors of Congress as Puerto Ricans and as a community of 3.6 million American citizens to implement the will of we, the people, as the thirteen original colonies once did and thirty-seven

territories have done from Delaware to Alaska and Hawaii in the history of our Nation.

Thank you for your attention. I am now available to answer any questions that you may have.

Supplemental sheet

Subject: H. Con. Res. 94

Witness: The Honorable Baltasar Corrada del Río
Secretary of State of Puerto Rico

Address: Department of State
P.O. Box 3271
San Juan, Puerto Rico 00902-3271

Phone: (809) 724-3284, 724-4805

Summary: It is unnecessary for Congress to make any further expression regarding the right of the American citizens of Puerto Rico to determine the Island's political future. On July 4, 1993, Governor Rosselló signed into law Act No. 22 which provides for a political status plebiscite to be held on November 14th of this year. The legal and political framework in which the plebiscite will be held, assures that the people of Puerto Rico will exercise their right to self-determination.

Mr. DE LUGO. The plebiscite law provides that the results of the vote will be communicated to Congress, but it does not provide for the negotiation which you expect on the terms by which the favored status can be implemented.

How will your people know whether there will be a negotiation without a Federal commitment to such a response, and is the plebiscite intended to actually decide on a status or is it just to determine how much support there is for the various aspirations?

Mr. DEL RIO. There is a Federal commitment to respect and support the will of the majority of the people of Puerto Rico. That is the principle of self-determination. It is ingrained in the Declaration of the Independence in the U.S. Constitution, in the statements of all the Presidents of the United States from President Eisenhower to Bill Clinton, and it is also included in the resolution passed by Congress in 1979. How many more times do we need this to be said?

What we are saying is we don't come here to ask you to tell us that you will respect us. We come here to tell you that you have to respect us because you are committed to the principle of self-determination and we are exercising that principle.

Now, concerning the majority that is required on the alternatives. This is a three-way plebiscite: statehood, independence and commonwealth. Who wins when there are three running in any political event? The one that gets the most votes.

Bill Clinton was elected President of the United States with 43 percent of the popular vote of this country, while President Bush had 37 percent and Mr. Perot had 19 percent. Is anybody saying that Bill Clinton is not the President of the United States because he got to the White House with 43 percent of the vote?

Well, that is what happens when you have three candidates, and in this plebiscite we have three candidates: statehood, independence and commonwealth. So who is the winner? The one that gets the most votes. And if statehood, as we expect, gets the most votes, that will start the process for us to come here to Congress with the mandate of the majority of the people for a request of Congress to begin the discussions of the Statehood Enabling Act.

Once that process develops, and if Congress passes a law offering or granting statehood to Puerto Rico, that law will be subject to a yes or no vote and then the ratification or rejection by the people of Puerto Rico.

This is the way, the fair process that we believe is the one that must be supported if the principle of self-determination is to be respected and not just paid lip service.

Mr. DE LUGO. But, Mr. Secretary, you served for many years in this House. Do you realistically believe that if the winning status wins by, let's say, 34 percent in the plebiscite, that whichever status comes forward, if it comes forward with 34 percent or 35 percent that it will be given serious consideration by the Congress of the United States and be seen by the Congress as an expression of the will of the people of Puerto Rico?

Mr. DEL RIO. Of course that is a hypothetical question that puts a situation on the least possible majority that a three-way plebiscite could go. Let me say I do believe and I am hopeful that statehood will garner over 50 percent of the vote in that plebiscite. Un-

questionably, the more votes the winning formula obtains, the more bargaining power we will have.

So, yes, it is important for us in Puerto Rico to come here with a mandate of the largest possible majority, but it is not of your incumbency to tell us beforehand, hey, unless you get more than X percent I will not pay attention, because that would be against the principle of self-determination. It would be like an obstacle or trying to put beforehand some obstacle to that principle.

And, furthermore, as I said, because the process itself requires that after that beginning, through the mandate of the majority, and we hope that it is more than 50 percent, that then, of course, when Congress acts and Congress may act or may not act, whatever action is taken by Congress will be further subject to the ratification by the people of Puerto Rico.

Mr. DE LUGO. Mr. Secretary, you and I know that there is no prohibition against any territory lobbying the Congress at any time for a change in political status if there is political support or a political base for it. But, don't you feel, as one who is a realist, one who has vast experience in political office and with the Congress of the United States, that it is important that the electorate know the realities when they go to participate in the plebiscite or a referendum or an election? Don't you think that they should know the realities that statehood or independence or an enhancement of commonwealth will be very difficult to bring about before the Congress of the United States because of the political realities, all of the things that are on the President's plate at the present time?

That it is important that, as you said, the winning status get as large a vote as possible. It is not going to be an easy thing to get the attention of this entire political body. Don't you feel that it is important to tell the people, look, we can go to the Congress with 37 percent, with 40 percent, we can go to the Congress at any time, but to be effective, we need to send the strongest possible signal to get these people's attention?

Mr. DEL RIO. Of course, we will go to the people and tell them that it is important that we get as large a majority as possible. That is one principle. The other principle is saying beforehand that unless there is X majority, that this will not be considered. That is what we would be against.

Let me say we are talking here about dignity and equality. It wasn't easy for Martin Luther King to be recognized and obtain equal civil rights for the blacks of this country, it wasn't easy for the blacks to get the abolition of slavery. It was difficult. So, yes, I agree with you, it will be difficult, but let me say to you, don't be concerned about what we need to tell to the Puerto Rican people. They are intelligent, they are wise and they know what they are voting for.

Mr. DE LUGO. Mr. Secretary, I would never presume to say what you should say to the Puerto Rican people. But, as one whose roots were originally in Puerto Rico, I have a sensitivity and a respect towards the Puerto Rican people. I feel that it is important that, whether it be the Puerto Rican people or the people of my own district, the Virgin Islands, that they know what the realities are in this Congress.

I want—

Mr. DEL RIO. I understand, Mr. Chairman, what you are saying, but what I say is would you like for me to say, hey, Mr. de Lugo, are you sure that you are explaining to the people of the Virgin Islands exactly what is involved in this decision about X issue or Y issue, et cetera?

You are a political leader there, you are Governor, there are other politicians in the community itself. I don't go up and tell the people of California, you know, hey, Governor, I am not sure that you are telling the people exactly what is that statement you are voting on next session.

But I will say this. You have to trust us, and furthermore, we are very passionate about our politics. When we state what it is we will be saying in the campaign, we will be challenged by the estadistas and the independentistas, just as we will challenge what they are saying, and the people will listen to this debate. This is what democracy is all about. Nothing will be hidden. All these concerns will be said.

One of the main propaganda of those who are against statehood will be, don't worry to vote for statehood because Congress is not going to give it to you. That is going to be—

Mr. DE LUGO. You certainly make a very real point; the Chair knows that in this plebiscite or referendum, whatever you want to call it, there will be full, free, robust exchange between the three political parties.

Mr. DEL RIO. Exactly.

Mr. DE LUGO. But, we are not having this discussion just for the record of this Committee. because as we speak, it is being broadcast back to Puerto Rico, people are listening to it on the radio. You know, we heard a statement made earlier where a Member of Congress said, well, if the people of Puerto Rico decide that they have chosen statehood and they made a mistake, they can change their minds and we know better than that, and you know better than that, too.

So that I just feel that it is important that as we have these exchanges, the more information that we can bring out to the people, the more we serve the people.

Mr. DEL RIO. For instance, Mr. Congressman, going on that point, do you think there is any doubt among the intelligent people of Puerto Rico that statehood is a permanent solution? Of course they know that. It would be sort of underestimating the ability of the people of Puerto Rico to understand issues to say that they have to be told that statehood is irrevocable, as independence is irrevocable.

Of course they are irrevocable and our people know it. It is like marriage. Once you get into it, it is irrevocable. If you want to have some other looser relationships, well, you can have some other looser relationships, but our people know about these things.

Mr. DE LUGO. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman, and before I ask anything of the Secretary, Mr. Secretary, how are you, Baltasar?

I want to talk a little on that issue of the majority, because I think that we tend to lose sight of the fact that if Puerto Rico votes for statehood there is going to be a second vote. Because the admis-

sion for statehood bill will be submitted to the people of Puerto Rico for ratification and that is a yes or no vote and there will have to be a majority.

To say beforehand what are the majority, what would constitute a majority, is it 49.5 percent, is it 45, or 44, I think we would be trying to out guess what Congress would do. Maybe Congress with a 45.5 majority would act; maybe it wouldn't. Maybe even with over 50 percent it would not act. And we all recognize this principle; that the more votes we get for statehood, the more likely it is we are going to get it, there is no doubt about that, and the least votes we get, the less opportunities we have. But that is our choice and our option.

We are trying to find out whether the people of Puerto Rico will be getting a process where everybody has an opportunity to vote; expresses what they want for Puerto Rico, to become a State or independent or whether we want to keep being a colony. So once we make that decision, then we will come to Congress and exercise our right to have that enacted, and that is the only way that we can do it.

That is why I say we have to recognize that we have not had a significant change in status because we have not asked for a significant change in status. The political process is there; we can do it, and we recognize we have the authority to enact a plebiscite whenever it wants to enact a plebiscite, whenever it has the votes, and we can vote, but we have not done it.

The only time we have had a plebiscite in Puerto Rico we selected a colonial status, which is to our shame. And it is to our shame forever that we convalidated the colony. But now we are trying to start a process for decolonization, and to say beforehand you have to have that number of votes, whoever wins will go ahead and try to obtain a decision from the Congress to respect the will of the majority, and the vote will be yes or no finally. So there will have to be a majority, otherwise we will be in this quagmire forever.

To wait for a decision from Congress or an expression of Congress for us to act is to convalidate the colony and allow the colonial relationship to remain.

Mr. Secretary, I, of course, agree with your statement. I would like to, however, ask you about something we have discussed here today and that is the right of the participation of Puerto Ricans who do not reside in Puerto Rico, who reside on the mainland. Have you, as Secretary of State, or as a member of the party or participating in all the discussions in the Fortaleca, have you ever received or seen any definition or how would you define the Puerto Ricans in the mainland that would have a right to vote that could be enforceable?

Mr. DEL RIO. There have been different proposals, some say that they ought to be either—at times people have said Puerto Ricans who were born in Puerto Rico and then moved, or Puerto Ricans who have Puerto Rican parents, both the father and the mother; others say, well, if the father is Puerto Rican or the mother is Puerto Rican it should be enough; some say that it should go on to a second or third generation. So there is a lot of confusion in that regard.

However, let me say, Mr. Congressman, that I have done some research on the legal implications of this which I believe the Subcommittee ought to know. Remember that we had a plebiscite in 1967, 26 years ago. There was a case decided in the U.S. District Court for the District of Puerto Rico, it is called the case of *Sola v. Sanchez-Vilella*.

Mr. CORRADA DEL RIO [continuing.] Judge Elmo Hunter, sitting as a visiting judge in the Federal District Court of the District of Puerto Rico, resolved in the following manner a lawsuit filed by some Puerto Ricans residing in New York and New Jersey who wanted to have the right to vote in that plebiscite.

The judge decided as follows: Such provisions, the ones that relate to determining the eligibility of voters, are not merely to help identify the voter or protect against fraud, but afford some protection against those who have been living in the States only a short time or who have ceased to be a resident of the State and have no reasonable interest or opportunity to be informed voters on a particular local matter because they do not personally reside there.

In that case, the Judge then went on and said, referring to these people who were challenging the law and asking for a right to participate: "They are residents of one of three States—New York, New Jersey or Massachusetts—where they have resided for many years. They are not citizens or residents of Puerto Rico, although they may sometimes decide to return to Puerto Rico to live, and have an interest in the solution of the political status of Puerto Rico. Some of them possess property in Puerto Rico. These facts," says the court, "are insufficient to give plaintiff the requisite standing to bring this suit.

"Plaintiffs are in no different a position than citizens and residents of New York or New Jersey or Massachusetts than one who was born, for example, in Missouri; and to economically better himself would move to another State and become a citizen and resident of this State and who, although owning property in Missouri and having nostalgia for Missouri, cannot meet the citizenship and residential requirements for voting in a Missouri election, even though the Missouri election may be on fundamental matters as amending the State constitution or adopting a new one.

"Technically," says the court, "the interest of these parties in the plebiscite is purely personal rather than legal and can be expressed"—this is very important—"can be expressed by their corresponding with their own State's particular Senators and Representatives in Congress who, in turn, can bring plaintiff's views to the attention of Congress, just as a result of the plebiscite would advise Congress of the views of those who vote in it."

I think this case is clearly in point with the issues we are discussing here. Constitutionally and electorally those who vote in an election are the official residents domiciled in the area or body politic where the election takes place.

It is not that we would not like Puerto Ricans in New York to vote. It is that we are constrained constitutionally and legally from allowing them to do so, and furthermore allowing other people who are not residents of Puerto Rico to vote would dilute the power of the vote of the Puerto Ricans who reside there and the principle of one man-one vote.

Therefore, I think we are wasting our time discussing something that cannot happen, constitutionally and electorally.

Secondly, who is going to register the voters? If Puerto Ricans on the mainland are going to vote, where do they register to vote? Who will supervise that? Who will be eligible to make a challenge on someone who is trying to register? Who decides who is a Puerto Rican and who is not a Puerto Rican?

All these are very complex questions that really would not allow a practical solution on this matter by allowing Puerto Ricans other than Puerto Ricans residing on the island of Puerto Rico to vote.

Mr. ROMERO-BARCELÓ. Have you heard those questions being addressed and heard conclusions being offered to those questions? When they ask for a voice, it is a merely, I think, we should vote.

Mr. CORRADA DEL RIO. It is a desire that is legitimate. The point is that it is unconstitutional and electorally unmanageable and otherwise against all the principles by which voting in this Nation is known.

In Europe, there is something called *ius sanguini*. In the United States, there is something called *ius soli*. There are two ways, *ius soli* or *ius sanguini*. The United States tradition is *ius soli*, based on domicile or residence in the body politic rather than *ius sanguini* which comes from the European concept that allows members of a family to vote even if they went abroad; and based on blood relationship, they would be allowed to vote.

This is entirely contradictory to American constitutional and electoral principles.

Mr. ROMERO-BARCELÓ. Our electoral system was based on which one of those in Puerto Rico?

Mr. CORRADA DEL RIO. The electoral system of Puerto Rico, of course, follows the American model.

Mr. ROMERO-BARCELÓ. Would you describe for the record how the voters are registered in Puerto Rico and also on election day how the process goes? How is the position represented in the polls?

Mr. CORRADA DEL RIO. We have in Puerto Rico a very well-ordained, detailed voting principle where people would challenge anyone who is not on the voting list, who is not eligible if they moved away from one street to the next neighborhood, et cetera.

Questions that election day, each party is represented by a pollster at each polling place and they constitute a board presided over by a member of the party that has the majority. But the other two members have a voting right. If they cannot agree on a decision, a judge is called to make a decision. So we are very well organized and very detailed in those processes.

The question is, if Puerto Ricans who live outside of Puerto Rico are voting in New York, Massachusetts or New Jersey, who is going to manage that—the Electoral Commission of Puerto Rico, the State or City of New York or New Jersey, the Congress of the United States? You don't even get involved in presidential elections. Presidential elections in the United States are ruled by State law, not Federal law, except that they have to comply with the constitutional principles of one man-one vote in such elements of reapportionment or redistricting.

Mr. ROMERO-BARCELÓ. Can you think of a way to have the electoral processes carried out in the 50 States of the Union with the

same guarantees that they have in Puerto Rico in the electoral process?

Mr. CORRADA DEL RIO. That is another important element. It is not just saying, well, because there are many Puerto Ricans in New York, New Jersey or Connecticut, Puerto Rican residents of New York, Connecticut and New Jersey will be allowed to vote. You will have to allow to vote 35 Puerto Ricans in Alaska or in Hawaii, those who came at the turn of the century and moved to Hawaii at the turn of the century.

Not only that, a Puerto Rican resident of Australia who is a resident of Australia. A Puerto Rican who resides in a foreign country may claim that he has as much right to vote as a Puerto Rican in New York.

Therefore, unless they are allowed to vote, they will challenge the vote.

Mr. ROMERO-BARCELÓ. I bring this up because when people are told that there is a possibility that they can vote in the plebiscite, because it is so emotional to the Puerto Ricans who live in the mainland, I don't think it is fair for those people to be told there is an opportunity for them to vote. Constitutionally, legally, from a practical and organizational point of view, it is not possible.

Mr. CORRADA DEL RIO. Personally, I would love to see Puerto Ricans, wherever they are, vote on this matter. Legally and constitutionally, it cannot be done.

If they want to move back to Puerto Rico, establish their domicile and residence there, suffer, and enjoy whatever we have under the current Commonwealth status, live there long enough to understand whether it is good or bad for us, then they can vote.

Mr. ROMERO-BARCELÓ. What was the citation of the case that you read?

Mr. CORRADA DEL RIO. I don't have the Federal citation. The name of the case is *Sola v. Sanchez Vilella* in the U.S. District Court of 1967. I can get more for you. 1967 was the year of the plebiscite.

Mr. ROMERO-BARCELÓ. Thank you very much.

[The information follows:]

Solá v. Sánchez-Vilella, 270 F.Supp. 459 (D.C.P.R. 1967) *aff'd* 390 F.2d 160 (CA 1, 1968).

Mr. DE LUGO. Thank you very much, Mr. Secretary, for your presentation on behalf of the Rossello administration. It is always a pleasure to see you.

Mr. CORRADA DEL RIO. Mr. Chairman, just for the record, I am sorry that Mr. Underwood is not here, but I heard what he said, he was willing to take what our Resident Commissioner wants to get rid of, which is Commonwealth status. If Puerto Rico was the size of Guam, had 100,000 inhabitants, perhaps I would support Commonwealth if I did not have the hope or expectation on a short-term basis of being able to become a State.

I, as a Puerto Rican, want Puerto Rico to become a State. But I don't want to force Guam or any other territory to decide what they want to be. It may be that Guam has made up their mind that, based on their population and distance from the United States and other factors, they want to be a Commonwealth. So be it, if that is the way they feel.

We Puerto Ricans believe we can get dignity and equality. We are ready. We have the population, the economy and the right to be a State of the Union. So I do understand why our Resident Commissioner wants to discard Commonwealth.

Well, Mr. Underwood may wish to have Commonwealth. It just depends whether you have the expectation on a short-term basis of becoming a State or not.

Mr. DE LUGO. Thank you for that classification, Mr. Secretary.

Our next witness is a representative of the Puerto Rican Independence Party, one of the leaders of all parties of exceptional ability. Fernando Martin Garcia, the Vice President of the Puerto Rican Independence Party, was one with distinction within that group who was truly an impressive spokesman. It is an honor for the Chair to welcome him

**STATEMENT OF HON. FERNANDO MARTIN GARCIA, VICE
PRESIDENT OF THE PUERTO RICAN INDEPENDENCE PARTY**

Mr. MARTIN. Thank you, Mr. Chairman. I am the vice president of the Independence Party. I will testify on behalf of the president of the party, Ruben Berrios, who could not be here because of pending legislative business in Puerto Rico.

We welcome the initiative by Congressman José Serrano in introducing House Concurrent Resolution 94, as well as the decision by this Subcommittee to hold public hearings on the Serrano resolution at this time.

Although the working of the resolution can, and should, be revised in order to ensure that the question of the right of the people of Puerto Rico to self-determination is addressed in the clearest possible terms; and to ensure further that consideration and approval of this resolution will make an effective contribution to the decolonization of Puerto Rico; the Serrano resolution is an important first step. It is a step in the right direction. It ought to meet with a prompt and straightforward response on the part of Congress to the results of the vote on political status preferences that will take place in Puerto Rico next November 14.

Those of us who took a direct part in the discussions and negotiations that led to the approval of H.R. 4765 in 1990 in the House, and who observed with dismay the defeat in committee of S.244 in 1991, witnessed the profound reluctance of Congress as a whole to tackle, head on, the question of Puerto Rico's territorial status under the U.S. Constitution for which, after all, Congress is both originally and ultimately responsible.

After a long history of political neglect in which Congress created and nurtured successive colonial regimes in Puerto Rico, from the Foraker Act of 1900 to the present Law of Federal Relations, at the same time that it promoted economic dependence, it was not surprising to see Congress as a whole recoiling from sponsoring a plebiscite in Puerto Rico that would have then, in all probability, resulted in a victory for the statehood option.

I have no doubt that sighs of relief were heard in this city when it became evident in 1991 that a congressionally sponsored referendum would not happen. It is critically important therefore that those of us who favor the final extinction of colonialism in Puerto

Rico take all useful steps that will lead Congress to have to face, again, the question of Puerto Rico's political status.

The most important virtue of the status vote scheduled for next November 14 in Puerto Rico is that its results, whatever they may be, will provide an excellent opportunity for the exercise of congressional responsibility. In light of previous experience, it is necessary to promote an environment of understanding and commitment in the Congress that will ensure a prompt response to any referendum result.

Two results appear as most probable at this time. The first is that neither statehood nor Commonwealth will attain a majority of more than 50 percent of the vote. The participation of the Independence alternative under the auspices and leadership of the Puerto Rican Independence Party may be sufficiently effective—as it has in the last seven general elections in Puerto Rico—to deny a majority to either the representatives of statehood or the representatives of commonwealth.

It is important the Congress recognize in such a result a rejection, by majority vote, of statehood after 95 years of U.S. possession and control. By the same token, that same result, no majority, would also mean that commonwealth status no longer has majority support in Puerto Rico, more than 40 years after the unveiling of the newly design colonial status in 1952.

Statehood having failed to attain majority support and the existing colonial status having lost the alleged consent which Congress inferred from the result of the referenda in 1952 and 1967, it is clear that a congressional initiative, unencumbered by majorities in favor of either statement or the present colonial status, would be necessary in order to end colonialism in Puerto Rico.

The second possible result, of course, is that statehood might achieve a majority, albeit a very fragile one. If this were the result, Congress would have to express its position, clearly and definitively, concerning this option.

In the unlikely scenario that the present status were to prevail by a majority, Congress would have to decide whether it wishes to continue the present colonial relationship and its inherent instability, which continuously threatens to turn its extreme economic dependence into a request for a permanent welfare State.

In any case, the moment will be ripe for Congress to act on the Puerto Rican question. Inasmuch as this resolution generates interest and discussion concerning the issue, and lays the groundwork for post-November legislative initiatives, it deserves the support of all those who believe that Congress cannot continue to avoid the responsibilities which the Treaty of Paris of 1898 and the Territory Clause of the U.S. Constitution impose upon it.

In order for this resolution to be an effective instrument in achieving these objectives, it is necessary that the following issue be addressed. First, it is important to clarify the question of self-determination. This right exists for Puerto Ricans because they are a people, in terms of International Law. This means that they have, as opposed to residents of Iowa or Ohio, an inalienable right to independence and self-determination. No plebiscite, referendum, or election can extinguish this right, which must be always available to successive generations.

No one here would argue with history. For example, any decision by Lithuanians to enter into a political arrangement with Russia, even a status of full integration, could clearly be revoked in the future, as we have recent witnessed, by the people of Lithuania. Such an arrangement would at best last only as long as the people of Lithuania agreed to it; and in any case, it could not be one in which Lithuania became a Russian colony, that is, subject to Russian government and legislation, without effective Lithuanian participation.

The Serrano resolution must thus make clear that the right of self-determination of Puerto Rico is an inalienable right of the Puerto Rican people, independently of any citizenship or political status they might happen to hold.

Secondly, the resolution should take note that a vote on status will take place in Puerto Rico in November, and then express the commitment of the Congress to respond promptly and forthrightly to whatever the results may be. It should also appear, clearly, in the text of the resolution—although it is, in any event, implicit in the sovereign nature of the United States—that the Congress need not, and should not, commit itself to granting whatever is requested—except, of course, independence, which is a right of the Puerto Rican people.

The congressional response may be that it is not willing to grant statehood to a people who have an inalienable right to independence and self-determination, or it may be that it is not willing to be a consensual participant in a colonial relationship. But answer, it must, in order to discharge its legal and historical responsibility.

Whether the United States favors statehood for Puerto Rico—even knowing that it will not extinguish our right to independence—or whether it is willing to discard the present arrangement and propose a new noncolonial relationship with Puerto Rico in which our sovereignty is fully recognized, and where all powers under the Territory clause are disposed of is, after all, a decision Congress must make.

In closing, let me once again commend Chairman de Lugo and this Subcommittee for deciding to hold hearings on the Serrano resolution. I would also like to express my optimism that we may be reaching a true watershed in the relationship between Puerto Rico and the United States.

The historical reasons which stimulated a strategic and geopolitical obsession with United States ownership of Puerto Rico are clearly on the wane. At the same time, it is becoming increasingly evident that domination, dependence, and subservience will lead ever-greater numbers of Puerto Ricans to imagine economic salvation in statehood while at the same time our vocation to exist as a Latin American and Caribbean nation is being continuously fueled and strengthened by history, geography, culture, ethnicity, demography, and nationalism.

This heady mix will continue to oil under ever-greater pressures so long as Congress postpones the day of reckoning. It is our responsibility, and yours, to make sure that the critical decisions will not be put off once again to an uncertain future.

Thank you.

[Prepared statement of Mr. Martin follows:]

PARTIDO INDEPENDENTISTA PUERTORRIQUEÑO

TESTIMONY BY FERNANDO MARTIN,
VICE-PRESIDENT OF THE PUERTO RICAN INDEPENDENCE PARTY
BEFORE THE SUBCOMMITTEE
ON INSULAR AND INTERNATIONAL AFFAIRS
OF THE
U.S. HOUSE OF REPRESENTATIVES
JULY 13, 1993
WASHINGTON, D.C.

NI.FVO. PUERTO RICO 00920-9990



AVENIDA ROOSEVELT 963 • PUERTO

Chairman De Lugo, Members of the Subcommittee on Insular and International Affairs, my name is Fernando Martin, Vice President of the Puerto Rican Independence Party. I shall testify on behalf of the President of the Party, Senator Ruben Berrios, who has been unable to accept your invitation to appear before you today because of pending legislative business in Puerto Rico.

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Although the wording of the Resolution can -and should- be revised in order to ensure that the question of the right of the People of Puerto Rico to self determination is addressed in the clearest possible terms; and to ensure further that consideration and approval of this Resolution will make an effective contribution to the decolonization of Puerto Rico; the Serrano Resolution is an important first step. It is a step in the right direction. It ought to meet with a prompt and straightforward response on the part of Congress to the results of the vote on political status preferences that will take place in Puerto Rico next November 14.

Those of us who took a direct part in the discussions and negotiations that led to the approval of H.R. 4765 in 1990 in the House -and who observed with dismay the defeat in Committee of S. 244 in 1991- witnessed the profound reluctance of Congress as a whole to tackle, head on, the question of Puerto Rico's territorial status under the U.S. Constitution for which, after all, Congress

is both originally and ultimately responsible.

After a long history of political neglect in which Congress created and nurtured successive colonial regimes in Puerto Rico - from the Foraker Act of 1900 to the present Law of Federal Relations- at the same time that it promoted economic dependence, it was not surprising to see Congress as a whole recoiling from sponsoring a plebiscite in Puerto Rico that would have then, in all probability, resulted in a victory for the statehood option.

I have no doubt that sighs of relief were heard in this city when it became evident in 1991 that a congressionally-sponsored referendum would not happen. It is critically important therefore that those of us who favor the final extinction of colonialism in Puerto Rico take all useful steps that will lead Congress to have to face -again- the question of Puerto Rico's political status.

The most important virtue of the status vote scheduled for next November 14 in Puerto Rico is that its results -whatever they may be- will provide an excellent opportunity for the exercise of congressional responsibility. In light of previous experience, it is necessary to promote an environment of understanding and commitment in the Congress that will ensure a prompt response to any referendum result.

Two result appear as most probable at this time. The first is that neither statehood nor commonwealth will attain a majority of more than 50% of the vote. The participation of the Independence alternative under the auspices and leadership of the Puerto Rican Independence Party may be sufficiently effective -as it has in the last 7 general elections in Puerto Rico- to deny a majority to

either the representatives of statehood or the representatives of commonwealth.

It is important the Congress recognize in such a result a rejection, by majority vote, of statehood after 95 years of U.S. possession and control. By the same token, that same result -no majority- would also mean that commonwealth status no longer has majority support in Puerto Rico, more than 40 years after the unveiling of the newly designed colonial status in 1952.

Statehood having failed to attain majority support and the existing colonial status having lost the alleged consent which Congress inferred from the result of the referenda in 1952 and 1967, it is clear that a congressional initiative, unencumbered by majorities in favor of either statehood or the present colonial status, would be necessary in order to end colonialism in Puerto Rico.

The second possible result, of course, is that statehood might achieve a majority, albeit a very fragile one. If this were the result, Congress would have to express its position, clearly and definitively, concerning this option.

In the unlikely scenario that the present status were to prevail by a majority, Congress would have to decide whether it wishes to continue the present colonial relationship and its inherent instability, which continuously threatens to turn its extreme economic dependence into a request for a permanent welfare State.

In any case, the moment will be ripe for Congress to act on the Puerto Rican question. Inasmuch as this Resolution generates

interest and discussion concerning the issue, and lays the groundwork for post-November legislative initiatives, it deserves the support of all those who believe that Congress cannot continue to avoid the responsibilities which the Treaty of Paris of 1898 and the Territory Clause of the U.S. Constitution impose upon it.

In order for this Resolution to be an effective instrument in achieving these objectives, it is necessary that the following issue be addressed. First, it is important to clarify the question of self determination. This right exists for Puerto Ricans because they are a people, in terms of International Law. This means that they have, as opposed to residents of Iowa or Ohio, an inalienable right to independence and self determination. No plebiscite, referendum, or election can extinguish this right, which must be always available to successive generations.

No one here would argue with History. For example, any decision by Lithuanians to enter into a political arrangement with Russia, even a status of full integration, could clearly be revoked in the future -as we have recently witnessed- by the people of Lithuania. Such an arrangement would at best last only as long as the people of Lithuania agreed to it; and in any case, it could not be one in which Lithuania became a Russian colony -that is, subject to Russian government and legislation, without effective Lithuanian participation.

The Serrano Resolution must thus make clear that the right of self determination of Puerto Rico is an inalienable right of the Puerto Rican people, independently of any citizenship or political status they might happen to hold.

The historical reasons which stimulated a strategic and geopolitical obsession with United States ownership of Puerto Rico are clearly on the wane. At the same time, it is becoming increasingly evident that domination, dependence, and subservience will lead ever-greater numbers of Puerto Ricans to imagine economic salvation in statehood while at the same time our vocation to exist as a Latin American and Caribbean nation is being continuously fueled and strengthened by history, geography, culture, ethnicity, demography, and nationalism.

This heady mix will continue to boil under ever greater pressures, so long as Congress postpones the day of reckoning. It is our responsibility -and yours- to make sure that the critical decisions will not be put off once again to an uncertain future.

Thank you.

Mr. DE LUGO. Thank you very much. Listening to your statement and reading your statement, you say that—referring to the question of self-determination as it relates to the people of Puerto Rico, you stated, "This right exists for Puerto Ricans because they are a people in terms of international law. This means that they, as opposed to the residents of Iowa or Ohio, have an inalienable right to independence and self-determination is theirs. No plebiscite, referendum or election can distinguish this right which must be always available to successive generations."

Am I to understand that if the people of Puerto Rico, in a referendum or a plebiscite, were to vote overwhelmingly for statehood, and the Congress would vote to bring Puerto Rico into the Union, that it would be your party's position that that was not a permanent union and that independence was still available?

Mr. MARTIN. Absolutely. Remember, Mr. Chairman, that Puerto Rico belongs to the Puerto Rican people. Some of those Puerto Ricans have already died. Some of us are alive now. But most have not been born yet. The right of the people of Puerto Rico includes not only the right of this generation to exercise under appropriate conditions its right to self-determination, but we could not possibly throw the key away for other generations.

So the right of a people to self-determination and independence is a continuous right. That is why I used the example of Lithuania. Knowing what we know about the international situation, I think that there would be great protest and indignation, for example, if the Russian Republic today said we are going to enter into an arrangement with Lithuania and it is going to last forever; and if the next generation doesn't like it, that is it, it is going to last.

It is because of the historical context of the Civil War that creates in the United States the notion for a very good reason that once you are in, you are in forever, because that question, apart from the Civil War situation, never came up because the growth of the United States as a Nation and the incorporation of new territories into the States was an organic procession of growing into areas that were already populated by Americans. So the notion of having to incorporate another people in the international sense really never came up as an issue.

That is why the United States was founded with the aspiration of being a unitary nation; although from a legal point of view, if this were addressed in the hypothesis because there were a majority of people who voted for statehood at some moment, you think one of the new questions the Congress would have to face, that it did not have to face in the other situation, was whether the case of Puerto Rico was a historically different case in ethnic terms so as to merit a different solution.

I think it would be highly unwise in this day and age, where nationalities are reemerging as strong moving forces of history, for the United States to try to travel into a wilderness from which others are trying to escape quite rapidly. I think the experience of nation-states which in the past tried to assimilate and incorporate nationals, I think in this day and age we have seen that that experiment was bound to fail.

At a given moment in Puerto Rico, a majority possibly favored statehood at a given moment. The notion that that is equivalent to

a transformation of the Puerto Rican people, the people can only speak for themselves. They can surely not speak for their children or their grandchildren yet to be born.

So long as Puerto Rico continues to be a nation and thinks of itself as a nation, the political manifestation of that nationality will always be at a given moment the claim for sovereignty, self-government and the right to self-determination.

The case of Quebec in Canada is illustrative. I don't know if they will ever become an independent state. But one thing I am sure of, it will be a thorn in the side of Canadian unity for generations to come.

Mr. DE LUGO. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Senator Martin, I think your testimony is very clear and very concise. If I were of your ideology, I would probably think the same way. But, of course, there are differences in our opinions and differences in the way we perceive the solutions.

I have no questions. I think it is quite clear to me.

Mr. DE LUGO. The Chair has some questions of this witness.

You made a number of thoughtful observations and suggestions. One suggestion is on clarifying the inalienable right of the Puerto Rican people to self-determination, independent of citizenship. I think I understand.

But would you clarify for us what provision it is that you think should be revised? Are you concerned, for example, that the first "whereas" of the Serrano resolution, the clause that suggests that the people of Puerto Rico should have equal political rights with the residents of the States because they too are U.S. citizens and that this presumes a statehood solution?

Mr. MARTIN. Mr. Chairman, I would not presume at this moment to try to sort of put in phrases between lines. I think the resolution means a general restructuring. I have no objection at all to its purposes and much less to the concept of a recognition of the right of self-determination of the Puerto Rican people.

But rather than try to make a somewhat futile exercise at this point of trying to add a word here or a word there, I would be more than happy to make available to the Committee in the following days very precise language if that were useful for the Committee.

But in conceptual terms at this moment, I think it is important that the clarification be made about the nature of the right of the Puerto Rican people to self-determination.

I heard arguments here this morning. I heard, for example, Secretary of State Baltasar Corrada explain the case that was resolved by the U.S. District Court in Puerto Rico in the 1960s concerning the voting of people outside of Puerto Rico.

When I hear these things, I recognize that there seems to be some confusion as to how far constitutional law goes on this matter. What is the nexus, if any? Is the law to be applied to a referendum in Puerto Rico simply the typical law that is applied to general elections, and if not, how far can we go?

In the question of who are Puerto Ricans and who are not, obviously that cannot be solved by traditional concepts of municipal law. It would have to be solved by different and newer concepts.

So I would be more than happy to let the Committee receive a very precise wording on the language that I would put there.

Fundamentally, it goes to two points: the clarification of the subject of self-determination and to make it clear that is the inalienable right of the people of Puerto Rico; and second of all, I think there must be a strong urging in the resolution that Congress commit itself not to any particular solution or even to grant any particular solution, except, of course, independence, which is a right, but to make it clear that it is committed to responding.

The response might be good or bad, happy or sad, but I think we are all entitled to a clear, forthright, and prompt response.

Mr. DE LUGO. The Serrano resolution would, of course—either by its title, intent or just by sheer coincidence of timing—refer to the November 14 plebiscite. I would like to ask a few questions related to that vote.

Should Congress act on implementing a status that does not receive majority support?

Mr. MARTIN. I think that that would be truly more a political than legal question. First of all, from the legal point of view, Congress, as has been said here so many times, can do whatever it wants. It is a pity that it has chosen to do so little.

If the status that has a majority vote in Puerto Rico is something that is less than 50 percent, from my view politically—not to enter into a long legal argument—it is inconceivable to me politically that the Congress would choose to act if the results in favor of any particular option, if the results were less than 50 percent.

What I think would be politically possible and, in fact, from my point of view desirable, would be the contrary; that the Congress should see any alternative that gets less than 50 percent as being at that moment not favored by the majority of the population.

If commonwealth gets 45 percent and statehood gets 45 percent, I think both of them have technically been voted against by the majority of the population. That would present the Congress with a real problem.

First of all, statehood would not have gotten even the bare majority necessary for serious discussion, and in the case of commonwealth it would present an even more serious problem because the United States' position concerning Puerto Rico for the past 50 years has been based on the following premise: That premise has been that commonwealth may have its defects; commonwealth may have its colonial vestiges and commonwealth may have its contradictions, but all of those limitations are somehow duly covered by popular support.

Once that popular support is shown to be not a majority anymore, the Congress would be faced with having a relationship with Puerto Rico of political subordination, which I think is now accepted by everybody, except that that relationship of political subordination no longer has the support of the majority of the population. That, I think, will lead the Congress to have to act in order to try to correct what will then be not only a equivocally colonial situation, but one which has lost any kind of support which it may have once had in Puerto Rico.

I think that will pose an interesting question for the Congress.

Mr. DE LUGO. Senator Martin, are you troubled by lack of a clear process for local government action after the plebiscite?

Mr. MARTIN. I think the legislature of Puerto Rico, when it approved this bill, the majority—that is, the pro-statehood majority—was worried that they might not be able to get a majority of more than 50 percent. So therefore they acted in the best tradition of local courthouse politics. They must have asked themselves, I presume, why design the post-referendum mechanism when we don't know the results yet? Since they have a majority, once they have the results, they can always design, after the vote, whatever mechanism they want. That is politics for you.

It shows great weakness, in my judgment, on the part of the government and very little faith in the outcome of the referendum. But have no doubt that if they have a favorable outcome, they will design and approve legislatively some kind of a mechanism. If they lose, or they get much less than they expected, they will simply send a kind of unreadable fax to the Congress in the hope that it will get lost in the transmission line.

Mr. DE LUGO. The resolution refers to non-self-governing. Puerto Rico is not in the U.N. list of these areas because of consistent U.S. representations. President Bush last year essentially described Puerto Rico as a territory, replacing a basic executive branch policy more consistent with the U.S. representations in the U.N., including those made by Mr. Bush when he was our representative before the U.N.

Should the U.S. now ask the U.N. to put Puerto Rico back on the list of territories, or what posture should it maintain with the U.N., in your judgment?

Mr. MARTIN. I think the correct position for the United States is first to recognize what I think is the state of international law on this matter. Independently of how we characterize what happened in the United Nations in 1953 concerning the status of Puerto Rico and the circumstances that led to Puerto Rico being eliminated from the list of non-self-government territories, independently of how we characterize that experience, one thing is absolutely clear. In 1960, the General Assembly of the United Nation approved Resolution 1514, and Resolution 1514 on its own terms and very specifically applies not only to those territories that have not achieved self-government and not only those territories which are in trusteeship, but very explicitly to any other territory that has not yet achieved its independence. That line was put there precisely to include the case of Puerto Rico.

So whether Puerto Rico is or is not on the list of non-self-governing territories, Puerto Rico is surely covered by the mandate of the 1960 resolution which, of course, is a later one. So the state of international law at this moment is that by virtue of Resolution 1514, the United States has a mandate to transfer to the people of Puerto Rico all powers that it has over Puerto Rico, so that the people of Puerto Rico can then exercise their right to self-determination.

In that sense, the international law question is absolutely clear. It is not for me a question of whether Puerto Rico goes back to the list. The question is what is the attitude of the United States going to be in the United Nations concerning the question of Puerto Rico.

I think they should be more forthright and more sincere than they have been in the past now that the Cold War is a question of the past, and recognize that there is in Puerto Rico a serious problem. Self-determination has not been exercised or even fully exercised in Puerto Rico. The United States is not against that, and it is willing to enter into a process with the people of Puerto Rico that will lead to the eventual decolonization of Puerto Rico.

Such a policy statement, of course, would be great news and an important step. But when the administration has not even sent a representative to testify here today, one wonders what their political will is at this point for a change of that nature.

Mr. DE LUGO. Constantly, the territorial clause of the Constitution is cited. You can make arguments on both sides as to whether or not it applies to the Commonwealth of Puerto Rico.

Should the United States seek by a constitutional amendment to remove the application of the territorial clause to the Commonwealth of Puerto Rico?

Mr. MARTIN. First of all, as to whether the clause applies or does not apply, I am sure that perhaps you know that if it didn't apply, your Committee would not have any jurisdiction over Puerto Rico. So the jurisdiction of this committee over Puerto Rico is precisely by virtue of the fact that Congress has sovereignty over Puerto Rico. Otherwise, you would not have any authority to legislate over Puerto Rico.

Undoubtedly, while Puerto Rico remains subject to the territorial clause, that means that Puerto Rico continues to be a colony of the United States. The only remedy to being within the territorial clause is to be without the territorial clause. If Puerto Rico is outside the territorial clause, its only possible link to the United States can be under the treaty-making powers of the President of the United States under the Constitution. There is no other way for the people of Puerto Rico to enter into an agreement with the United States.

Either we are the subjects of legislation by virtue of the jurisdiction that Congress has over Puerto Rico in this case and we are under the territorial clause, or the Congress disposes of Puerto Rico, recognizes its sovereignty and then enters into arrangements with Puerto Rico—not, of course, under the territorial clause, but by virtue of the treaty-making powers of the President under the same Constitution.

Undoubtedly, the fact of colonialism in Puerto Rico has its legal underpinning in our subjection under the territorial clause. The only way that Puerto Rico will cease to be a colony is if it is not subject to that clause.

Mr. DE LUGO. I want to thank you, Senator Martin, for the help you have been to this Committee today and for coming here.

Our next witness is going to speak for commonwealth status. Commonwealth will be very ably represented here today by the Minority Leader from the Puerto Rico—House of Representatives of Puerto Rico. Representing the Popular Democratic Party's Commonwealth Party is the Minority Leader of the Puerto Rico House, Jose Enrique Arraras. He is a former Secretary of Housing.

Representative Arraras, it is a great pleasure to have you before the Committee at this time. Your statement, without objection, will be made a part of the record in its entirety at this point.

You may proceed to read your statement or summarize or make any comments that you feel are important in making the case for commonwealth and giving the commonwealth position before the Committee.

STATEMENT OF HON. JOSE ENRIQUE ARRARAS, A MINORITY LEADER OF THE HOUSE OF PUERTO RICO, ON BEHALF OF MIGUEL HERNANDEZ AGOSTO, PRESIDENT OF THE POPULAR DEMOCRATIC PARTY OF PUERTO RICO

Mr. ARRARAS. Thank you.

Mr. Chairman, Mr. Resident Commissioner, my name is Jose Enrique Arraras. I am the Minority Leader of the House of Representatives of the Commonwealth of Puerto Rico, representing today the Popular Democratic Party and its President, Senator Miguel Hernandez Agosto.

The process and the right of self-determination of the people of Puerto Rico was first exercised, although not exhausted, in 1952 with the adoption of our present status of commonwealth. Any congressional action or expression with regard to the status of Puerto Rico must recognize the process that concluded in the adoption of the Puerto Rico Federal Relations Act and the Constitution of the Commonwealth of Puerto Rico "in the nature of a compact" between Puerto Rico and the United States. The process of self-determination of 1952 and its results, were presented to and accepted by the United Nations in 1953. This "unique" relationship, as expressed by the U.S. Supreme Court, has been recognized in several cases before that Court and the several Circuit and District Courts of the Federal court system. But the adoption of the Commonwealth in 1953 did not terminate our right of self-determination. The commonwealth status option possesses the element of flexibility to continue its growth and reaffirmation.

In 1967, again, the people of Puerto Rico, in the exercise of its right to political self-determination and of its right of petition, conducted a second plebiscite. On that occasion, the commonwealth status won and was given a clear mandate to petition from Congress modifications to the existing permanent relationship. The results of that process and its requests were never implemented by Congress.

Most recently, from 1989 to 1991, almost 12 years later, a dialogue committee representing the three political status options negotiated with Representatives of Congress the celebration of a plebiscite and the further implementation of the political option to be selected by the people of Puerto Rico. Although a bill was passed by the House of Representatives, it was not approved by the Senate Energy and Natural Resources Committee, thus frustrating a plebiscite in 1991. We ran out of time in the last session of Congress to complete that process. We urge this Honorable House of Representatives to continue the efforts and work already accomplished by the last Congress.

H. Con. Res. 94 calls to "reaffirm the commitment of the people of the United States to the principle of self-determination." We sup-

port such a reaffirmation and the disposition of the resolution that "endorses the right of the people of Puerto Rico to political self-determination."

During the present year, new administrations have emerged in Washington and in San Juan. President Clinton has supported the principle of self-determination and the platform of the Democratic Party endorsed the idea of a plebiscite "in concert" with Congress. The platform of the pro-statehood party in Puerto Rico provides for a plebiscite among the three political status options in 1993. Governor Pedro Rossello has just stamped his signature to an act that calls for a plebiscite on November 14 of this year. The Popular Democratic Party endorses the idea of this consultation, even though we voted against the enactment of that law because of the numerous failures it contains. Among them we can point out the following:

One, the lack of the requirement of a majority vote of the people of Puerto Rico to select the status option;

Two, nonresident Puerto Ricans were not provided their right to participate in the plebiscite;

Three, the exclusion of any meaningful mechanism to incorporate Congress in this process before the plebiscite is held, by which the people of Puerto Rico can get an assurance that Congress will respond to our legitimate and democratic expression.

Nevertheless, we can still achieve a real and meaningful process of self-determination if Congress, following its experience with the 1989-91 process and its commitment to self-determination contained in H. Con. Res. 94 approves an act turning the November 14 electoral event into one made "in concert" with Congress.

In order for said plebiscite to be meaningful, the endorsement of the Congress of the right of the people of Puerto Rico to political self-determination must have some consequence. Therefore, Congress must go farther than just merely endorsing our right to self-determination. In light of the above, Congress must respond to the expressed status preference of the people of Puerto Rico.

To this effect we respectfully request this Congress to enact a bill similar to the draft bill which we enclosed with our testimony, which will form part of the record. This draft is similar to a bill recently filed by the Popular Democratic Party in the Legislative Assembly of Puerto Rico. This proposed bill calls for:

The creation of a dialogue committee;

A fast-track procedure to respond to the people of Puerto Rico; and

That any further consultation, referendum or plebiscite on the matter of the political status after November 1993 and any ratification vote to implement an enabling political status act shall command as a prerequisite the approval by at least the majority of the voters, as well as the desired participation of all native nonresident Puerto Ricans. These elements were also contained in H.R.4765.

By enacting this draft bill, Congress will accomplish:

The reaffirmation of the commitment of the people of the United States to the principle of self-determination;

The endorsement of a plebiscite "in concert" with Congress; and.

A fairer process of political self-determination emanating from the people of Puerto Rico, and a continuation of the process initiated in the last Congress.

We cannot end our testimony today without respectfully calling your attention to the second paragraph of H. Con. Res. 94 that "reasserts the principle * * * that with respect to territories whose people have not yet attained a full measure of self-government, the interest of the inhabitants of such territories are paramount." That language contradicts the official and still valid statements of the United States Government before the United Nations since 1953.

Since 1953, the United States has unequivocally stated that after the establishment of a political relationship "in the nature of a compact" between the Commonwealth of Puerto Rico and the United States of America, Puerto Rico is no longer a territory. Thus, in its official memorandum to the United Nations informing the enactment of the commonwealth status, the United States expressed that "with the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government."

Subsequently, the United Nations General Assembly ratified the establishment of the Commonwealth as a nonterritorial and self-governing status by resolving that: * * * "the people of the Commonwealth have effectively exercised their right to self-determination"; and that. "* * * the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity."

Up to this date, this is the official position of the General Assembly of the United Nations concerning the commonwealth status. We should not lose sight of the fact that the U.N. General Assembly is the only U.N. entity with competence to decide whether "non-self-governing territory" has or has not attained a full measure of self-government as referred to in Chapter XI of the U.N. Charter.

Thank you for your attention, and I will be available for any questions that you may deem necessary.

[Prepared statement of Mr. Arraras follows:]

**IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES
SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS
OF THE HOUSE COMMITTEE ON NATURAL RESOURCES**

**TESTIMONY OF
MR. JOSE ENRIQUE ARRARAS ON BEHALF OF
MIGUEL HERNANDEZ AGOSTO, PRESIDENT OF
THE POPULAR DEMOCRATIC PARTY**

JULY 13, 1993

H. CON. RES. 94

**"Expressing the sense of the Congress regarding
the expression of self determination by the
people of Puerto Rico."**

**By Mr. Serrano and referred jointly to the
Committees on Foreign Affairs and Natural Resources.**

WASHINGTON, D.C., U.S.A.

**TESTIMONY OF MR. JOSE ENRIQUE ARRARAS, REPRESENTATIVE
OF THE PRESIDENT OF THE POPULAR DEMOCRATIC PARTY
OF THE COMMONWEALTH OF PUERTO RICO
IN RELATION TO H. CON. RES. 94**

Mr. Chairman, Honorable Committee members and all persons gathered here this morning to consider the House Concurrent Resolution 94, with the purpose of "Expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico".

I am José Enrique Arrarás, Minority Leader of the House of Representatives of the Commonwealth of Puerto Rico, Representing the Popular Democratic Party and its President, Mr. Miguel Hernández Agosto.

The process and the right of self-determination of the people of Puerto Rico was first exercised, although not exhausted, in 1952 with the adoption of our present status of Commonwealth. Any Congressional action or expression with regard to the status of Puerto Rico must recognize the process that concluded in the adoption of the Puerto Rico Federal Relations Act and the Constitution of the Commonwealth of Puerto Rico "in the nature of a compact" between Puerto Rico and the United States. The process of self-determination of 1952 and its results, were presented to and accepted by the United Nations in 1953. This "unique" relationship, as expressed by the U.S. Supreme Court, has been recognized in several cases before that Court and the several Circuits and District Courts of the Federal Court's System. But the adoption of the Commonwealth in 1953, did not terminate our right of self-determination. The Commonwealth Status option possesses the element of flexibility to continue its growth and reaffirmation.

In 1967, again, the people of Puerto Rico, in the exercise of its right to political

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self-determination and of its right of petition, conducted a second plebiscite. On that occasion the Commonwealth status won and was given a clear mandate to petition from Congress modifications to the existing permanent relationship. The results of that process and its requests were never implemented by Congress. Most recently, from 1989 to 1991, almost twelve years later, a Dialogue Committee representing the three political status options negotiated with representatives of Congress the celebration of a plebiscite and the further implementation of the political option to be selected by the people of Puerto Rico. Although a bill was passed by the House of Representatives, it was not approved by the Senate Energy and Natural Resources Committee, thus frustrating a Plebiscite in 1991. We ran out of time in the last Session of Congress to complete that process. We urge this Honorable House of Representatives to continue the efforts and work already accomplished by the last Congress.

H. Con. Res. 94 calls to "reaffirm the commitment of the people of the United States to the principle of self-determination". We support such a reaffirmation and the disposition of the Resolution that "endorses the right of the people of Puerto Rico to political self-determination."

During the present year new administrations have emerged in Washington and in San Juan. President Clinton has supported the principle of self-determination and the platform of the Democratic Party endorsed the idea of a Plebiscite "in concert" with Congress. The platform of the pro-statehood party in Puerto Rico provides for a plebiscite among the three political status options in 1993. Governor Pedro Rosselló has just stamped his signature to

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an act that calls for a Plebiscite on november 14th of this year. The Popular Democratic Party endorses the idea of a plebiscite even though we voted against the enactment of that law because of the numerous failures it contains. Among them we can summarize the following:

- * the lack of the requirement of a majority vote of the people of Puerto Rico to select the status option;
- * non resident Puerto Ricans were not provided their right to participate in the Plebiscite;
- * the exclusion of any meaningful mechanism to incorporate Congress in this process before the plebiscite is held, by which the people of Puerto Rico can get an assurance that Congress will respond to our legitimate and democratic expression, and,
- * Governor Rosselló of the New Progressive Party rejected to seek a consensus among the three political parties regarding our exercise of self-determination, as was done by the Dialogue Committee during the prior administration. In other words, the statehood party, as a party which does not command a majority vote, is imposing its own rules on Puerto Rico's self-determination process.

Nevertheless, we can still achieve a real and meaningful process of self-determination if Congress, following its experience with the 1989-91 process and its commitment to self-determination contained in H. Con. Res. 94, approves an Act turning the November 14th electoral event into one made "in concert" with Congress.

In order for said plebiscite to be meaningful, the endorsement of the Congress of the right of the people of Puerto Rico to political self-determination must have some consequence. Therefore, Congress must go farther than just merely endorse our right to self-determination. In light of the above, Congress must respond to the expressed status

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preference of the people of Puerto Rico.

To this effect we respectfully, nevertheless, firmly request this Congress to enact a bill similar to the draft bill enclosed with our testimony. This draft is similar to a bill recently filed by the Popular Democratic Party in the Legislative Assembly of Puerto Rico. This proposed bill will provide for:

- * The creation of a Dialogue Committee with representatives of the three status options. This Committee will be the official liaison between the people of Puerto Rico and Congress, concerning any negotiation for the implementation of the status option selected by the people of Puerto Rico. This committee is necessary to maintain direct communication with Congress and to guarantee a fair process of self-determination and not a one sided demonstration of force by the Party currently in power in Puerto Rico;
- * A fast track procedure to respond to the People of Puerto Rico. This idea of a fast track procedure is not new. It was included in H.R. 4765 which was approved unanimously by this House of Representatives on October 10, 1990;
- * Any further consultation, referendum or plebiscite on the matter of the political status after November 1993 and any ratification vote to implement an enabling political status act shall command as a prerequisite, the approval by at least the majority of the voters; as well as the desired participation of all native nonresident Puerto Ricans. These elements were also contained in H.R. 4765.

By enacting this draft bill, Congress will accomplish, among others, the following important objectives:

- * the reaffirmation of the commitment of the people of the United States to the principle of self-determination as provided in H. Con. Res. 94;
- * endorsement of a Plebiscite "in concert" with Congress;
- * a fairer process of political self-determination emanated from the people of Puerto Rico; and a continuation of the process initiated in the last Congress.

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We cannot end our testimony today without respectfully calling your attention to the second paragraph of H. Con. Res. 94, that "reasserts the principle... that with respect to territories whose people have not yet attained a full measure of self-government (emphasis added), the interest of the inhabitants of such territories are paramount". That language contradicts the official and still valid statements of the United States Government before the United Nations since 1953.

Since 1953, the United States has unequivocally stated that after the establishment a political relationship "in the nature of a compact" between the Commonwealth of Puerto Rico and the United States of America, Puerto Rico is no longer a territory. Thus, in its official memorandum to the United Nations informing the enactment of the Commonwealth Status, the United States expressed that "with the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government." Dept. of State Bulletin, April 20, 1953.

Subsequently, the United Nations General Assembly ratified the establishment of the Commonwealth as a non-territorial and self-governing status by resolving that:

- * "...the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;
- * "...the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity." United Nations General Assembly Resolution 748 (VIII) Titled "Cessation of the Transmission of Information under Article 73(e) of the Charter in Respect of Puerto Rico", November 27, 1953

Up to this date, this is the official position of the General Assembly of the United Nations

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concerning the Commonwealth Status. We should not lose sight of the fact that the U.N. General Assembly is the only U.N. entity with competence to decide whether "Non-Self-Governing Territory" has or has not attained a full measure of self government as referred to in Chapter XI of the U.N. Charter.

Thank you for your attention and I will be available for any questions that you may deem necessary.

103RD CONGRESS
1ST Session

H.R. _____

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

A BILL

To adopt the political status option selected by the majority of the people of Puerto Rico as it might be expressed in the political status referendum to held on November 14, 1993, or thereafter before December 1996.

STATEMENT OF PURPOSES

The Legislative Assembly of the Commonwealth of Puerto Rico has determined the celebration of a plebiscite on November 14, 1993, concerning the political status of the people of Puerto Rico and its political relationship with the United States of America. This Congress, recognizing the inalienable right of the people of Puerto Rico to exercise their self-determination, herein enacts this Bill with the following purposes:

1. Express the commitment of the Congress of the United States regarding the enactment of the political status option chosen by the majority of the people of Puerto Rico in a legitimate exercise of self-determination
2. Establish the appropriate mechanisms and procedures to implement the political status selected by the people of Puerto Rico
3. Reaffirm the principle of International Law which guarantees the nationals of a country or group of people constituting a nationality, the right to exercise their right to self-determination.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REAFFIRMATION OF PRINCIPLES

This act may be cited as the "Puerto Rico Self-Determination Act" of 1993. This Congress reaffirms the commitment of the United States of America to the principle of political self-determination and endorses the right of the people of Puerto Rico to exercise, once more, their right to self-determination.

SECTION 2.- DIALOGUE COMMITTEE AS THE OFFICIAL REPRESENTATIVE OF THE PEOPLE OF PUERTO RICO BEFORE THE UNITED STATES OF AMERICA

This Congress recognizes the need of a "Dialogue Committee on the Political Status of Puerto Rico" (hereinafter in this act referred to as the "Dialogue Committee") hereby created, as the official representative of the people of Puerto Rico before the United States of America regarding all political status matters leading up to the celebration of the political status plebiscite.

The Committee shall be composed by the Presidents of the three principal political parties of Puerto Rico. Each President shall also appoint a delegate to represent him and his party at the Committee. Congress will provide adequate office facilities in Washington, D.C. and in San Juan for the Committee's conduct of business.

SECTION 3. FAST TRACK PROCEDURE

Within a time limit not to exceed one hundred eighty (180) days after the State Elections Commission of the Commonwealth of Puerto Rico officially certifies the status option selected by a majority of the people of Puerto Rico in the plebiscite, Congress shall, pursuant to consultation and negotiation with the President of the political party representing the selected political status option, officially notify to the people of Puerto Rico

its approval or refusal to enact the status option chosen by the majority in said plebiscite. The failure of Congress to officially notify the people of Puerto Rico within the one hundred eighty (180) day deadline, or within the current Congressional term at the date of celebration of said plebiscite, shall be construed as a refusal to enact the status option selected by a majority of the people of Puerto Rico.

If Congress approves the enactment of the status option selected by the majority in said plebiscite, it shall then, within a time limit not to exceed sixty (60) days after it officially notifies the people Puerto Rico such approval, in consultation and negotiation with the President of the political party representing the selected status option, introduce and enact the appropriate status enabling legislation.

SECTION 4.- MAJORITY VOTE AS PREREQUISITE FOR CONGRESSIONAL RECOGNITION OF POLITICAL STATUS SELECTION

Notwithstanding the plebiscite to be held on November 14, 1993, this Congress determines as an essential prerequisite necessary for the implementation of any political status enabling legislation, the selection in any consultation, referendum or future plebiscite, of a political status option by an absolute majority of the people of Puerto Rico.

SECTION 5.- RATIFYING VOTE ON LEGISLATION

If enacted, the political status enabling legislation approved by Congress shall be submitted to the people of Puerto Rico for ratification by an absolute majority of the people of Puerto Rico, not later than sixty days after its enactment. The legislation shall take effect in accordance upon the approval by the people of Puerto Rico in the ratification vote.

SECTION 6.- NONRESIDENT PUERTO RICANS

(a) Congress finds that:

1. a substantial number of the people of Puerto Rico reside outside of

Puerto Rico

2. the Legislative Assembly of the Commonwealth of Puerto Rico has the authority to enable some Puerto Ricans who are United States Citizens residing in places other than Puerto Rico to vote in a referendum or plebiscite on the matter of the political status of Puerto Rico.

(b) Congress hereby authorizes the Legislative Assembly of Puerto Rico to enable Puerto Ricans not residents in Puerto Rico to register and vote in any consultation, referendum or plebiscite, without being present in Puerto Rico. Such persons may include those born in Puerto Rico or those who have at least one parent who was born in Puerto Rico.

Therefore, any further consultation, referendum or future plebiscite on the political status of Puerto Rico, after November 1993, shall consider the participation of nonresident Puerto Ricans

SECTION 7.- EFFECTIVENESS

This Bill shall be effective immediately upon its approval

Mr. DE LUGO. Thank you very much for your presentation and for coming here this morning.

Let me say, this is the first I have seen of your draft bill. We just received it a few minutes ago. If Congress were to move on this bill, wouldn't it be viewed as sabotaging the efforts of the Government of Puerto Rico to hold their November 14 plebiscite?

Mr. ARRARAS. Not if you move very quickly. If you move very quickly, there would be no problem.

Mr. DE LUGO. Well, by just a casual reading of the legislation, this is not legislation that historically the Congress could move quickly on. I mean, there are questions that you put forward such as, establishing a dialogue committee and setting up a process. But when you say, "Congress shall express the commitment of the Congress of the United States regarding the enactment of the political status option chosen by the majority of the people of Puerto Rico in a legitimate exercise of self-determination," then you get into arguments back and forth of what is that commitment, how binding is it, and what are you committing to?

The reality of the situation that I have seen in my almost 20 years in this House, I am sad to say, is that Congress—and perhaps this is true in other legislative bodies, too—never wants to tackle a tough question until they absolutely have to. They will put it off. They will avoid it.

Certainly the political status of Puerto Rico is a tough question.

That is why I think it was so tragic that we lost the opportunity with the legislation that passed the House back in 1990, where you had the House of Representatives ready to commit to a process and commit to a response that if the people of Puerto Rico chose a political status that the Congress would respond.

But you will recall what happened there. There were those on the other side that said, we can go further, we are going to spell out the political status and we want Congress to commit to whatever political status wins, and that is it.

The Congress will not do that, we have found out.

Mr. ARRARAS. I agree with you, sir, but what we are looking for is an answer, a response from Congress. And the weakness of the November 14 consultation process, where a commonwealth is going to be present and will be defended by the Popular Democratic Party is that there is no mechanism to get a meaningful response from Congress in an adequate period of time.

We have had this experience that you mentioned, sir, and that is the reason why we would like to see if this concurrent resolution of Representative Serrano, Congressman Serrano, goes further. There should be some recognition of the fact that there is a plebiscite going on in Puerto Rico and that there is going to be some response from Congress.

Mr. DE LUGO. All right. Have you sought a sponsor for this legislation?

Mr. ARRARAS. I beg your pardon, sir.

Mr. DE LUGO. Have you sought a sponsor? A sponsor, someone to introduce it?

Mr. ARRARAS. No, we have not. Basically, we are trying to make the point of what we feel is the ideal situation. We agree with your assessment and analysis of the situation, but we want to make

clear that the position of our party and of commonwealth supporters is that the will and the participation of the people of Puerto Rico in the November 14 plebiscite should result in a response from Congress. So we are trying basically, more important than anything else, to make our point regarding this matter.

Mr. DE LUGO. Enrique, it has been reported your party will define its aspirations as including a relationship under which congressional territorial clause powers would not apply and will protect the Federal incentive for U.S. corporate economic activity in Puerto Rico that is so important to the economy at present. That is section 936.

Are you in a position at this time to give us an idea of the definition that is being drafted?

Mr. ARRARAS. No, I am not, sir, because at this point our governing board is discussing and making a final decision. It should be ready by the end of this week and we will be very pleased to submit it to you in writing. We should have it ready probably by Friday of this week.

But, basically, that definition is based on several principles which I could enumerate to you right now.

Basically, number one, and the most important one, is the fact there is a compact by mutual consent between the people of Puerto Rico and the Government of the United States; number two, that there is a permanent union between the United States and Puerto Rico, American citizenship, a common market, a common currency, common defense, the protection of our cultural identity as Puerto Ricans, our sports sovereignty, fiscal autonomy, and those Federal benefits to which we are entitled as American citizens; and we will be making requests for strengthening the commonwealth status by giving us more power in regard to our economic development.

Those are basically the outgoing principles. As soon as we have the definition, we will submit it to you.

Mr. DE LUGO. Well, should the voters consider the parties' definitions as final definitions of the status or are they merely aspirations?

Mr. ARRARAS. Each political party, according to the legislation that was approved, will make the definition of its own status preference and there will be an explanation in the ballot of the formulas. That is the position that will be presented to the voters and they will be able not only to vote for each principle or formula but for a definition of what they are voting for.

Mr. DE LUGO. But this is a broad definition that can be changed later?

Mr. ARRARAS. No, these are very specific definitions, and in the case of commonwealth, we feel that any change in commonwealth status regarding any of its terms should be approved by the people of Puerto Rico before presenting it to Congress.

Mr. DE LUGO. Gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Good afternoon, Mr. Arraras.

Mr. ARRARAS. Good afternoon, Mr. Resident Commissioner.

Mr. ROMERO-BARCELÓ. Welcome.

Mr. ARRARAS. Thank you.

Mr. ROMERO-BARCELÓ. I was listening and reading your testimony, and I see on the first page where you talk about the unique

quote-unquote relationship as expressed by the Supreme Court and it is recognized in several cases before the court. What about the Rosario-Harris case? Are you familiar with the Rosario case versus Patricia Harris?

Mr. ARRARAS. Yes, I know the case.

Mr. ROMERO-BARCELÓ. What did that case decide?

Mr. ARRARAS. I don't want to get into a juridical argument because the point here, Mr. Resident Commissioner, is there is not a definite decision by the United States Supreme Court at this point.

Mr. ROMERO-BARCELÓ. That case did not decide it was a territory and that the Congress had territorial powers over Puerto Rico and, therefore, they were not entitled to equal benefits?

Mr. ARRARAS. I don't understand the case in that way.

Mr. ROMERO-BARCELÓ. I think if you read it, it is very short, it is only two paragraphs, and it decided that Puerto Rico was within the territorial powers of Congress, very clearly. That is why they say we are not entitled to equal benefits in the Federal programs and Congress can do as it pleases on that. So that there is no unique relationship. There is a unique name in commonwealth, isn't there?

Mr. ARRARAS. The Government of the United States, ever since its inception, has stated very clearly that this is a unique relationship. There has been no reversal by the Supreme Court of the United States of the commonwealth status, and if there are any doubts about it, this is a good time to clarify in the plebiscite we are going to have.

Mr. ROMERO-BARCELÓ. The commonwealth is established, then?

Mr. ARRARAS. Absolutely.

Mr. ROMERO-BARCELÓ. It is under Constitution.

Mr. ARRARAS. It is within the Constitution; not necessarily within the territorial clause.

Mr. ROMERO-BARCELÓ. What clause talks about that?

Mr. ARRARAS. There should be a clarification regarding the role or place of the commonwealth status within the Constitution of the United States. That is up really to the courts and to the judiciary to decide. But one alternative is to include, if necessary, the commonwealth relationship as a constitutional amendment to the United States, if necessary.

Mr. ROMERO-BARCELÓ. Are we subject to environmental laws passed by Congress?

Mr. ARRARAS. We are because of the compact, as you know. We have several of the clauses of the Federal Relations Act still applying to Puerto Rico, and that is part of the compact.

Mr. ROMERO-BARCELÓ. What is part of the compact? If a law is passed today by Congress with environmental aspects; the compact says it will be applicable.

Mr. ARRARAS. I understand.

Mr. ROMERO-BARCELÓ. Not by the territorial powers of Congress, not by virtue of the—

Mr. ARRARAS. In the case of the compact, we gave a consent according to the prevailing clauses of the Federal relation statute, including section 9.

Mr. ROMERO-BARCELÓ. Puerto Rico gave a consent for the Congress to legislate as it saw fit regarding Puerto Rico?

Mr. ARRARAS. We voted for that in certain areas. There are other areas of self-government which are clearly defined for the benefit of the people of Puerto Rico.

Mr. ROMERO-BARCELÓ. And that is why Congress has the authority, because the people of Puerto Rico gave it to Congress?

Mr. ARRARAS. I think we have a compact.

Mr. ROMERO-BARCELÓ. What kind of a compact? A compact that you can enforce? Are you accepting whatever happens regarding section 936 in Congress? That has the consent of the people of Puerto Rico?

Mr. ARRARAS. The thing is in the case of section 936, we have fiscal autonomy, but as you know, these are benefits which are under the Internal Revenue Code.

Mr. ROMERO-BARCELÓ. What do you understand as fiscal autonomy?

Mr. ARRARAS. I beg your pardon?

Mr. ROMERO-BARCELÓ. What do you understand as fiscal autonomy? Can you explain what you understand by fiscal autonomy?

Mr. ARRARAS. We have the ability to give tax exemption because we have control over our taxes. We are not taxed by the Federal Government.

Mr. ROMERO-BARCELÓ. Then that does not mean that the Federal Government cannot impose taxes in Puerto Rico.

Mr. ARRARAS. I understand the Federal Government cannot impose taxes on Puerto Rico.

Mr. ROMERO-BARCELÓ. No?

Mr. ARRARAS. Except taxes where we have certain benefits, like social security taxes.

Mr. ROMERO-BARCELÓ. What is happening as an amendment to section 936? Is a tax not being imposed on the companies?

Mr. ARRARAS. This is something that we are going to have, Resident Commissioner, we are going to have in our formula. We are going to request a clarification of section 936.

Mr. ROMERO-BARCELÓ. Do they not collect custom duties in Puerto Rico?

Mr. ARRARAS. But they send us back the revenues.

Mr. ROMERO-BARCELÓ. But the taxpayer pays it. Only the government gets it back after collections. The cost of the collection is deducted, but the taxpayer doesn't get it back.

Mr. ARRARAS. It is for the benefit of the people of Puerto Rico. It is important for the government.

Mr. ROMERO-BARCELÓ. But Congress has a right to impose it and does impose it and gives it back.

Mr. ARRARAS. But that is part of the compact.

Mr. ROMERO-BARCELÓ. The compact says Congress will give it back, or was it there before any such compact, as you say, was signed?

Mr. ARRARAS. That has been the customary use that has been since very many years.

Mr. ROMERO-BARCELÓ. Because Congress wants to do it. Congress couldn't take it away if it wanted to today? What about the excise taxes? Did they limit it?

Mr. ARRARAS. They go back to the——

Mr. ROMERO-BARCELÓ. Not all of them. There is a limit to them. Did you know that?

Mr. ARRARAS. There is a limit.

Mr. ROMERO-BARCELÓ. So what happens to the compact? Why have you not filed a lawsuit to enforce the compact?

Mr. ARRARAS. These are taxes that are in the United States.

Mr. ROMERO-BARCELÓ. Why have you not filed a lawsuit to enforce the compact and say, Congress, you cannot do that? Why have you not done that? If I believed that, I would do that.

Mr. ARRARAS. Basically, see, that is the reason, Resident Commissioner, that we want clarification; that we welcome the plebiscite. Because the commonwealth status is not perfect, but, fortunately, it is what the people of Puerto Rico have created for its own benefit, and it is a formula that I know you dislike and that you attack as colonial, but certainly, Resident Commissioner, and Mr. Chairman, it is the best of two worlds.

It is something that we have created and that has most of the advantages of statehood and most of the advantages of being an independent country and it does not have the weaknesses and the disadvantage of being a State or being a republic.

Mr. ROMERO-BARCELÓ. Is the right to vote for the President of the Nation that you are a citizen of, is that a weakness?

Mr. ARRARAS. Is that a weakness?

Mr. ROMERO-BARCELÓ. I would like you to explain that because I thought it was a strength.

Mr. ARRARAS. If we wanted to vote for the President of the United States, we would have to join the Union as a State and we don't want to do that because we don't want to lose our tools for economic development; we don't want to lose our sports participation in the Olympics, in the Pan-American games and the——

Mr. ROMERO-BARCELÓ. And that is more important than the right to vote in a democracy; to vote for your President?

Mr. ARRARAS. Resident Commissioner, you cannot isolate. You have to look at this in totality, and I specifically stated that there are many advantages and there are some disadvantages, but in totality, our formula is superior to statehood.

Mr. ROMERO-BARCELÓ. Is having representation in Congress an advantage or disadvantage?

Mr. ARRARAS. It is an advantage.

Mr. ROMERO-BARCELÓ. And the more votes you have, the greater the advantage you have.

Mr. ARRARAS. But then you cannot have your tools for economic development. You could not have section 936, for instance. When we have statehood you will lose and we will lose 300,000 jobs, direct and indirect jobs. And we have tools for the development of the economy.

Mr. ROMERO-BARCELÓ. Have you read the new General Accounting Office report? Have you read this?

Mr. ARRARAS. No.

Mr. ROMERO-BARCELÓ. This is dated June 1993. I will read to you a paragraph of that report and see what you think about this: "The faster growth rate of Puerto Rico's gross domestic product compared to the gross national product means that an increasing

portion of total income produced in Puerto Rico went to the United States and foreign investors than to Puerto Rican residents.

The trends in gross domestic product and gross national product are the logical result of Puerto Ricans' development strategy which emphasizes long-term tax reduction to U.S. firms that locate in Puerto Rico and section 936 which allows tax-free repatriation of profits to the mainland. These complimentary tax policies are tied to income earned in Puerto Rico and not to investment in plant and equipment or job creation.

Over time, these policies attracted industries to Puerto Rico that rely more on capital, including intangible assets—tangible assets are the patent rights—than labor for manufacturing goods, because relatively little of the cost of manufacturing is paid in the form of wages and the capital is owned by non-Puerto Ricans.

Relatively little income from this industry is retained in Puerto Rico. A substantial portion of the income generated by these industries is transferred off the island, principally to mainland parents."

Isn't this an indictment of that policy? Isn't this showing you that we have been exploited; that these companies are making money but they are not really investing in Puerto Rico? Isn't that—

Mr. ARRARAS. Any corporation that establishes itself in Puerto Rico goes there for the profit motive. They don't go there for idealism, they go there to make money. What we look for is the creation of jobs, and you have to recognize that 300,000 jobs, direct and indirect, created by 936 are essential to the well-being of the Puerto Rican economy and particularly if you don't have, as your government doesn't have, Resident Commissioner, a viable alternative for economic development.

How are you going to substitute manufacturing in Puerto Rico, with what?

Mr. ROMERO-BARCELÓ. By promoting Puerto Rico, by having confidence in what we have, by saying, first of all, that the Puerto Rican worker is more productive than the mainland worker. That is not something that we have said. It is something that has been said by the U.S. Manufacturers Association.

Their average salary, average wage in manufacturing, is less than half of the average wage in manufacturing in the mainland. We have instant or durable communication with the mainland, we have viable and very good transportation facilities, and ocean transportation is cheaper than land transportation. We have the Federal courts in Puerto Rico which guarantee the stability of Puerto Rico and give confidence to the companies that establish in Puerto Rico, and we have, beyond that, the workers in Puerto Rico staying longer at their jobs and they have also less absenteeism.

Those are substantial attractions. And we have, when the special taxes are eliminated, Puerto Rico will cease being a foreign investment area, which we are now, and when they are applying their investments domestically, we would become a domestic area and we would be on the table whenever the companies here are figuring out the domestic investments for the years to come, and there will be much more investment in Puerto Rico.

We have a strategy. We have not used it. What we are doing is stimulating people to come and make more money, and the incen-

tive is geared to having them make more money not to provide jobs and invest in Puerto Rico, and that is what the General Accounting Office reports here. This is a body here in Congress, which the Congress relies on because they are technicians. They are people who are not involved in politics. They are people who go out and study the facts and come out with their results and their recommendations, and this has been, it has been distributed now to the members of the Finance Committee.

The report came out about a month ago, but it had a blackout because the Chairman of the committee decided not to distribute it until after the 30 days, but now it is made public. But it is an indictment of this strategy for development in Puerto Rico.

Let us have more faith in ourselves. Let us believe that we are competitive and not say that we are not. Let us not belittle ourselves and say we have to give everything away so that anybody can come and invest in Puerto Rico. That is demeaning and that sells us short in the Nation and everywhere. I think it is about time we stopped trying to sell ourselves short worldwide and in the Nation.

There are a lot of things going for us in Puerto Rico. There are a lot of things that attract investors in Puerto Rico and we should go out and mention those and not just merely tax exemption. That is our investment strategy.

Mr. ARRARAS. If anything has been done in Puerto Rico, I believe that the Popular Democratic Party, insofar as economic development is concerned with the Operation Bootstrap and all the efforts started by Governor Luis Munoz Marin to date, have been evidence of the confidence of our party and the people of Puerto Rico and all the advantages that we have to sell to other countries.

But what I maintain is that 936 is a very important weapon for economic development for Puerto Rico. The problem is that you see it as an obstacle to statehood, and I can understand that.

Mr. ROMERO-BARCELÓ. Did you hear Senator Moynihan say the other day that 936 is on the way out? He is not talking about statehood. They are on their way out.

Mr. ARRARAS. In that regard, I know, Governor Rossello is doing his best, although belatedly, to maintain 936 and has a very strong effort and he has to work against the people, very powerful, like you, who are enemies of 936.

Mr. ROMERO-BARCELÓ. I appreciate your saying I am very powerful. I didn't know that because I don't even have a vote here. But I work hard. That, I do.

Mr. ARRARAS. You are the official representative, the Resident Commissioner, of the people of Puerto Rico, as you know, in Washington.

Mr. ROMERO-BARCELÓ. And I work hard.

Mr. ARRARAS. I know that.

Mr. ROMERO-BARCELÓ. And I explain that because we are not dealing with fools or with people who are ignorant, we are dealing with knowledgeable people. If I convince somebody it is because I bring the facts and the arguments, otherwise I wouldn't convince them here in Congress or the Senate.

The reason I have been able to convince many people is because I bring them the facts. There is not a single case, not a single case,

in Puerto Rico, that shows that any one given company, any one company, would leave Puerto Rico with the changes that are being submitted to 936. All the companies would receive benefits.

The vast majority of the companies are going to get more tax credits on wages than they would have to pay taxes. The majority of them. And the ones that will have to pay the most will still get about a 20 or 25 percent tax exemption. Quite a bit of an exemption. To say they are leaving, they said the same to me when I was Governor and I imposed a tax on them for the first time. They said, Governor, with these taxes we have to leave; we did not calculate this. And they didn't leave. They stayed.

As a matter of fact, the growth of the electronics industry in Puerto Rico was greatest when I was Governor and after the tax was imposed on them. And the pharmaceuticals grew quite a bit too after a tax was imposed on them.

Mr. ARRARAS. I think you are mistaken, but I understand your position.

Mr. ROMERO-BARCELÓ. You think it is better to give grants and benefits to wealthy corporations than give benefits to people, poor people that need it?

Mr. ARRARAS. That is not the—

Mr. ROMERO-BARCELÓ. That is a question. What do you think about that? You think it is better to give benefits to people that need it or give grants to—

Mr. ARRARAS. I don't think that question is a question that I can answer, because it doesn't make, it doesn't have any logical consequence.

Mr. ROMERO-BARCELÓ. Well, I do. I think it is much better and it is fairer, more just, more social justice involved when you give grants to people that need it, to make a life at least acceptable—

Mr. ARRARAS. Do I understand that you are proposing that the jobs created by 936 be exchanged for Federal benefits?

Mr. ROMERO-BARCELÓ. Not the jobs, the benefits given to the companies directly; the grants be exchanged for benefits to the people that need it.

We are U.S. citizens and the poor in Puerto Rico do not get the same benefits as they do in the Nation, and the cost of living is the same. Now, in the Medicaid, you know that very well. We get \$79 million and the poor people that cannot afford health insurance who do not have a job, whose employer provide for health insurance, they have to go, they can only go to the public hospital facilities. And with the \$590 million that we invest, because the \$79 million the U.S. Government gives Puerto Rico is not enough—

Mr. ARRARAS. And you are fighting for that within the commonwealth status because under the commonwealth you can get that through.

Mr. ROMERO-BARCELÓ. But they have never gotten it. For the first time they are paying taxes from Puerto Rico, the companies, and that is giving me something to stand on. That has given me the dignity to argue.

Because how can I come here and argue and ask for more benefits, for more money, give me more money, we need more money, and then they turn around and say, well, what about those companies in Puerto Rico that are getting these exemptions, billions of

dollars, and they don't pay taxes? Our constituents have to pay taxes but yours are not paying.

Now, how can I have pride and do it with my head up high and ask for the grants when we do not pay? When we contribute, when we are on the same footing, we meet our obligations, then we have the right to demand, but to ask and ask and ask and never be willing to contribute, we look like beggars. We are demeaning ourselves.

Mr. ARRARAS. The problem is that we—I believe that you have very strong opinions regarding your concept of statehood for the poor. Our problem is that we want to do and get as many benefits as we can but we are very interested in developing our economy because we don't want to become a welfare state. We want to—

Mr. ROMERO-BARCELÓ. We are one under the commonwealth.

Mr. ARRARAS. We want to produce jobs, to give people the opportunity to develop themselves.

Mr. ROMERO-BARCELÓ. And that is exactly what we want.

Mr. ARRARAS. We have the same goal but different roads. Your road is more Federal benefits.

Mr. ROMERO-BARCELÓ. With jobs.

Mr. ARRARAS. There is a contradiction; that you have to look at the economic aspects of this.

Mr. ROMERO-BARCELÓ. Perhaps I would refer you to the GAO study again where it indicated that most of the money that is made by the companies leaves Puerto Rico, okay?

Now, with additional benefits, let us take for instance Medicaid. There will be an additional billion dollars a year in the economy in Puerto Rico. What would that \$1 billion do? It will certainly create jobs and certainly create opportunities. That money is money that is spent in Puerto Rico and that heightens the demand for goods and services substantially, and any economist can explain that to you very well.

And it would be more meaningful to Puerto Rico in terms of jobs than the 936 because we can have the investments of the companies and then more solid investments if we don't give away our house, if we bring companies in because of what we have to offer, because of our manpower, our capability, because of our geographical strategical location. Because we are in the only place right now within the United States where both languages are official and, naturally, the Center for Interchange with Latin America, geographically, culturally and as a State we will be even more so. That is a strategy for development; depending on our people, and not by giving money away to the ones that make the most money.

We are prejudicing our people, the ones that do need it. Because every time we ask for more money in the Federal program, let us treat our people the same as you do the U.S. citizens, we hear, you are getting enough money as it is. You don't pay taxes. How can we have respect for ourselves if we come here asking all the time and we are never willing to contribute?

Do you think it is a good position to be in where we don't contribute but we are asking for more?

Mr. ARRARAS. What I understand is that section 936, which doesn't have anything to do with the resolution that we are discussing—

Mr. ROMERO-BARCELÓ. It does.

Mr. ARRARAS. It is very, very important for Puerto Rico. It is a tool for economic development, and it is something that we should not surrender nor trade for Federal benefits.

Mr. DE LUGO. At that point I think——

Mr. ROMERO-BARCELÓ. Nor for Federal votes or participation in Congress?

Mr. DE LUGO. This battle will continue between now——

Mr. ARRARAS. We have a whole period of four months to debate.

Mr. DE LUGO. That is right and it will continue on the soil of Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Chairman, one last question. Don't you feel you are selling away your political rights when you say 936 is more important than political rights?

Mr. ARRARAS. No, certainly not. What we want to have is a good economy and jobs for our people.

Mr. DE LUGO. At that point, let me ask the gentleman from Guam if he has any questions.

Mr. UNDERWOOD. No, thank you, Mr. Chairman.

Mr. DE LUGO. Ladies and gentlemen, first of all, I want to thank the Minority Leader, Representative Arraras, very much for your presentation here. We have been working here in this Committee for over four hours, almost four and a half hours. We have another outstanding witness who we will be hearing from, but we are going to take a break right now. It will be a one-half hour break to get lunch. The gavel will come down in exactly 30 minutes.

Our next witness will also be a resident, the Honorable Antonio J. Colorado, former Resident Commissioner from Puerto Rico. Tito, good to see you, and we look forward to hearing from you. He, of course, is one who has contributed tremendously to building the economy of Puerto Rico.

And then we have three outstanding panels that will appear. We have Senator McClintock and the Honorable Marco A. Rigau; they will be appearing in the first panel; then there will be a second panel, Dr. Miriam J. Ramirez Ferrer, President of the Puerto Ricans in Civic Action; Carlos Gallisa, Secretary General of Puerto Rican Socialist Party; Benny Frankie Cerezo, President of the Puerto Rican Statehood Forum; and Arturo J. Guzman, Co-chairman, IDEA of Puerto Rico.

And the final panel will be the Honorable Angel Luis Ortiz, member of the Philadelphia City Council; Wilfredo Santiago Valiente, President, United Statehooders Organization of New York; Luis Alvarez of Sparta, New Jersey; and Jose Garriga-Pico, Associate Professor of the University of Puerto Rico.

So we will take a break and the gavel will come down exactly at 3:00 o'clock.

Mr. DE LUGO. The Committee on Insular and International Affairs, the hearing on the Serrano Resolution, H.Con.Res. 94, will come to order and continue. When we broke 30 minutes ago, I announced that our next witness would be a distinguished representative of the people of Puerto Rico, former Resident Commissioner, one that I had had the great pleasure of serving with here in this House and on this Committee, and it is a pleasure to welcome him back to this chamber where he has served with such distinction.

He is one that has contributed tremendously to the economic vitality of Puerto Rico, so it is a pleasure for the Chair to welcome Antonio J. Colorado, better known to all his friends as Tito.

**STATEMENT OF HON. ANTONIO J. COLORADO, FORMER
RESIDENT COMMISSIONER FROM PUERTO RICO**

Mr. COLORADO. Thank you. Thank you very much, Mr. Chairman. It is a pleasure to be here again.

I am Antonio Colorado, former Resident Commissioner of Puerto Rico to the United States and a former member of this Committee. I appear before you on my own behalf, not on behalf or in representation of any other person, organization or entity, to express my opinion on House Concurrent Resolution 94, a sense of the Congress resolution on self-determination by the people of Puerto Rico.

Everybody is in favor of self-determination, Presidents (including Mr. Bush and Mr. Clinton), majors, Governors, Congressmen, Democrats, Republicans and their political platforms. In my judgment, the question is not if you are, as everyone else is, in favor of "self-determination," the question is: "What does the Congress of the United States understand by self-determination by the people of Puerto Rico?"

The answer to this question is the crux of the most important issue in the life of a people, my people, who although very proud of their American citizenship, are nevertheless a distinct people, the people of Puerto Rico, and also very proud of being so.

We negotiated and entered into a compact in 1950 with the Government of the United States to establish the respective areas of authority for both the Federal Government and the government to be created by the people of Puerto Rico under the Constitution of its own adoption. Under that compact, Law 600 of 1950, the legitimacy of all authority was established to be "the consent of the governed." This to us meant sovereign consent.

By this understanding we, as a people, acted upon and accepted the compact by popular referendum, and appeared with the U.S. Delegation at the 1953 session of the United Nations to bear witness that the United States had fulfilled an international obligation: That the governmental authority in Puerto Rico was the will of the people, freely expressed, and that finally, that the terms of such arrangement were embodied in a compact.

As to this, the alternate U.S. Ambassador, Mr. Mason Sears declared: "As you know, a compact is more binding than a treaty; it cannot be altered except by bilateral agreement."

On those assurances and testimony, including a direct statement from the President of the United States to the General Assembly, the United Nations adopted Res. 748 (VIII) of 27 November 1953.

Since then, however, this Congress has paid only, at best, lip service to that commitment. And increasingly, the judicial branch of the government has expressed serious doubts about the mere existence of such compact. Congress talks about self-determination but refuses to act when requested to by Puerto Rico.

At least six times Puerto Rico has come to Congress for amendments to the compact and has returned not only empty-handed, but with serious disappointment as to congressional and U.S. Govern-

ment commitment to honor its word. Why should we believe today that our next request would be treated differently.

This cannot go on. You must express clearly what you understand by: One, self-determination; two, people of Puerto Rico; three, nature or origin of congressional authority to legislate for Puerto Rico; four, the so-called "Jibaro statehood," or "Hispanic statehood" being offered by the statehood party.

Let me say this very clearly, Mr. Chairman. I believe we have had a compact with the U.S. Since 1950; it is not perfect but it is a compact. I believe so because the authorized representative of the United States have said so, I believe your authority over Puerto Rico is legitimate only because we consented to it under the terms of the compact, and thus are not subject to you under the territorial clause of the Constitution.

To me this is clear, since we are a people, the people of Puerto Rico; we are not either a "territory" nor "property" of the United States. But if Congress thinks that we are either one of them or both, please say so, it is very important for us to know where we stand.

The present administration in Puerto Rico has legislated a status referendum for November 14 of this year. This was approved unilaterally without consensus of the political parties in Puerto Rico. Only residents of the island would be entitled to vote, excluding Puerto Ricans living in the mainland.

The statehood party is offering our people a statehood with two official languages, two equal flags, preservation of our identity and culture, and preservation of international representation in sports and cultural events. This means that the official languages in our courts, in our legislature, in our schools and in the rest of our government agencies would be both English and Spanish, but as the language spoken by all Puerto Ricans is Spanish, this would be in practice the language utilized by everyone in such places.

It also means that we would continue to participate with our Olympic representation in all sports and therefore continue to compete against the official United States Olympic Teams. They also tell our people that we will be able to continue to compete as Puerto Rico in pageants like Miss Universe, which we recently won, and we have won twice before.

Is there such statehood? Mr. Chairman, what is the answer of the Congress to these questions? The people of Puerto Rico have a most sacred right to know what they are voting for. Where does the Congress of the United States stand?

Mr. Chairman and Members, thank you very much.

Mr. DE LUGO. Thank the gentleman.

[Prepared statement of Mr. Colorado follows:]

TESTIMONY OF
ANTONIO J. COLORADO
PRESENTED BEFORE THE HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
Subcommittee on Insular and International Affairs
Hearing on H. Con. Res. 94
July 13, 1993

Good morning, Mr. Chairman and Members of the Committee. I am Antonio J. Colorado, former Resident Commissioner of Puerto Rico to the United States and a former Member of this Committee. I appear before you on my own behalf, not on behalf of or in representation of any other person, organization or entity, to express my opinion on House Concurrent Resolution 94, a Sense of the Congress Resolution on self determination by the people of Puerto Rico.

Everybody is in favor of self-determination, Presidents (including Mr. Bush and Mr. Clinton), Majors, Governors, Congressmen, Democrats, Republicans and their political platforms. In my judgment, the question is not if you are, as everyone else is, in favor of "self-determination", the question is:

What does the Congress of the United States understands by "self-determination by the people of Puerto Rico"?

The answer to this question is the crux of the most

important issue in the life of a people, my people, who although very proud of their American citizenship are nevertheless, a distinct people, the people of Puerto Rico, and also very proud of being so.

We negotiated and entered into a Compact in 1950 with the government of the United States to establish the respective areas of authority for both the federal government and the government to be created by the people of Puerto Rico under the Constitution of its own adoption. Under that Compact, Law 600 of 1950, the legitimacy of all authority was established to be "the consent of the governed". This to us meant sovereign consent.

By this understanding we, as a people, acted upon and accepted the Compact by popular referendum, and appeared with the U.S. delegation at the 1953 session of the United Nations to bear witness that the United States had fulfilled an international obligation: that the governmental authority in Puerto Rico was the will of the people, freely expressed, and finally, that the terms of such arrangement were embodied in a compact.

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Since then, however, this Congress has paid only, at best, lip service to that commitment. And increasingly, the judicial branch of the government has expressed serious doubts about the mere existence of such compact. Congress talks about self-determination but refuses to act when requested to by Puerto Rico.

At least six times P.R. has come to Congress for amendments to the Compact and has returned not only empty handed, but with serious disappointment as to Congressional and U.S. government commitment to honor its word.

This cannot go on. You must express clearly what you understand by:

- 1) self-determination,
- 2) people of Puerto Rico,
- 3) nature or origin of Congressional authority to legislate for Puerto Rico,
- 4) so-called "Jibaro statehood", or "Hispanic statehood" being offered by the Statehood party.

Let me say this very clearly, Mr. Chairman. I believe we have had a Compact with the U.S. since 1950; I believe so because the authorized representatives of the United States have said so, I believe your authority over Puerto Rico is legitimate only because we consented to it under the terms of the Compact, and thus are not subject to you under the territorial clause of the Constitution.

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-Is there such statehood?

Mr. Chairman, what is the answer of the Congress to this question?

The people of Puerto Rico have a most sacred right to know!

Mr. Chairman and Members, thank you very much.

Mr. DE LUGO. I want to make sure I understand you. Do you believe that H. Con. Res. 94 is inadequate because it does not answer the questions that you have raised?

Mr. COLORADO. I don't think it will add anything the way it is. We are for free determination. I doubt very much there is anyone in Congress that is not for free determination. I think—for self-determination, I mean. I see no reason why anybody should be against that. It is like talking about motherhood or apple pie. It is a reality.

I doubt very much that the Congress, if it acts on this measure, that it would act against it. But the problem is that Puerto Rico, as a people, as has been mentioned here before, has three alternatives. One of them is independence for which I see no problem, in the sense that if the people of Puerto Rico would vote for it, for which I see a problem, then the Congress of the United States would be forced to grant independence to Puerto Rico. But the other two depend upon negotiation.

Now, if we had never come to the United States Congress to ask for something, I would say, well, probably, Mr. Romero is right and we should decide what we want and then come up here and say this is what we want. But we have done that already and it didn't work. So I can't see how we can now do it again, come back to Congress, I don't think anything is going to happen.

Now, all parties worked together in trying to get a bill approved two or three years ago. Again, nothing happened. As you know, it was approved because of your efforts mainly here in the House but nothing was approved in the Senate.

Mr. DE LUGO. Well, I would say to the gentleman that in 1990 something very profound did occur in the House and that was that the House unanimously agreed on a process and committed to respond to the actions of the people of Puerto Rico. The House committed to respond, but, as in many of these things, people sometimes have a different opinion as to what will be most successful. There were those that said the Senate wanted to define what the political statuses were ahead of time and have the Congress commit itself to accept whatever political status came out of the plebiscite. Meaning Congress would not have any further action, just to approve it, and this, of course, the Congress was unwilling to do.

I still feel that it was unfortunate that we did not, on the Senate side, go along with the House approach.

Mr. COLORADO. I agree with you.

Mr. DE LUGO. I will say that my friend here who is on the Committee with me, former Governor of Puerto Rico, he pushed for the Senate to accept the House proposal, even over the objections of some of his own political party. I think that that was a tremendous opportunity that was lost.

Mr. COLORADO. I believe, Mr. Chairman, and I didn't come here to debate about one status against the other, what I came here for is to ask Congress to tell Puerto Rico in those areas where we have to negotiate where do we stand; what really would be acceptable and why do I say this? It is because of the experience that we have had.

As I said before, I wouldn't say it if it were not because of that, but you approved the bill in the House and nothing was approved

in the Senate. I think the Senate did a lot of work, which is very positive. It is there. It describes basically what many of the people in the Senate would be willing to accept as to commonwealth, as to the independence, change from commonwealth to independence, and for statehood. And something like that, maybe not as articulated, the people of Puerto Rico should have.

I think nobody can be against not knowing. I think people want to know, and if we are going to negotiate and if we are really going to have sort of a plebiscite that will be effective it has to be on the basis of knowing what the Congress will accept or else people will not be voting on something, really, that is real.

Mr. DE LUGO. The Chair will just say it was unfortunate that in the case of 1990 and 1991, when—you know, I must tell you, Tito, I was so impressed when the leaders of the three political parties came to Washington, it was a patriotic effort such as I have not witnessed ever before.

Mr. COLORADO. And I wish we could have that again, soon, because that is very important to Puerto Rico.

Mr. DE LUGO. The problem is that we all have our opinions and in a political situation, a partisan political situation particularly, you only have certain windows of opportunities where statesmen can come forward from different political groups and work together for the greater good of their country and their people. But, as you get closer to the election, all of these other pressures are on you and your followers are demanding you become more partisan and if you do not seize the window of opportunity which we had in 1990, then it is lost. That was very unfortunate.

Let me recognize the gentleman from Puerto Rico for any questions he may have.

Mr. ROMERO-BARCELÓ. Mr. Colorado, good afternoon, welcome.

In your testimony, Mr. Colorado, you said that the present law, which authorizes the celebration of a plebiscite in Puerto Rico, was done without the consent and the consensus of the political parties in Puerto Rico. In 1967, when your party was in office and the plebiscite was held, was a consensus of the other political parties obtained on that occasion?

Mr. COLORADO. I didn't speak in any—I didn't have the occasion to speak at that time. Obviously, I was not involved as much in politics or I was not representing Puerto Rico in any way, shape or form at that time, and I didn't have much to say. But I think that whatever happened in 1967 should help us to find out what we should do now.

And I would take it as unacceptable, obviously, having the referendum that didn't go anywhere later on, for many reasons, many of them depending on the party that won in Puerto Rico and the party that won in the mainland. But if anybody made something wrong at that time, it doesn't mean we should make it wrong again, even if it were my party. I think it should be by consensus, as it was when we were discussing the possibility of the legislation in the Congress.

Mr. ROMERO-BARCELÓ. My question is simple. Was there consensus of the parties?

Mr. COLORADO. My answer is clear, I don't care because it doesn't matter.

Mr. ROMERO-BARCELÓ. Was there or was there not? Don't you know?

Mr. COLORADO. I don't care. There was not, but I am telling you it doesn't matter to me if there was or not.

Mr. ROMERO-BARCELÓ. Don't get so upset. That is all I wanted to know.

Mr. COLORADO. I am not upset. I don't want to enter a debate here with you.

Mr. ROMERO-BARCELÓ. I want to go further, however.

The other two parties, did they participate in the plebiscite or boycott it?

Mr. COLORADO. One of them boycotted.

Mr. ROMERO-BARCELÓ. Both of them did.

Mr. COLORADO. Oh, both of them. Should we boycott now? Maybe.

Mr. ROMERO-BARCELÓ. You are not boycotting?

Mr. COLORADO. No, I am not.

Mr. ROMERO-BARCELÓ. So there is something fairer about this than there was at that time?

Mr. COLORADO. No, no, no, no, no. You can use the words to try to show that there is something beautiful about this one, because we are going to go—we are going to go because we believe we have the majority of the people in Puerto Rico and we think we have to go at this time.

You will have your position. Your party forced a referendum. We are going to have it, good or bad, and we are going to go and we will win. That is no problem.

Mr. ROMERO-BARCELÓ. So whenever you legislate without the consensus of the opposition, even though you have a majority or two-thirds, then you are forcing the others?

Mr. COLORADO. You may be sure, there is no doubt about it.

Mr. ROMERO-BARCELÓ. So there is something wrong with that legislation, then?

Mr. COLORADO. There is a lot of things wrong with the legislation.

Mr. ROMERO-BARCELÓ. Because it does not have the consensus of the other parties?

Mr. COLORADO. Not only the consensus but other things which are wrong.

Mr. ROMERO-BARCELÓ. So you have the majority of the legislature, right? You can pass a law; right?

Mr. COLORADO. If you have a majority, you can pass without a consensus, there is no doubt. It has been done before.

Mr. ROMERO-BARCELÓ. At least you are participating and so are the parties. Last time, there were two of them boycotting.

Mr. COLORADO. Right.

Mr. ROMERO-BARCELÓ. You also said you came for amendments to the compact and you came back to Puerto Rico empty-handed. Did you ever come for amendments to the compact with a decision of the people of Puerto Rico as to what should be amended or did you come looking for amendments without having first consulted the people of Puerto Rico?

Mr. COLORADO. I would say that in most of the cases the referendum that we had and the commissions or committees that were

created as such were not affected and didn't really come with something that had been approved by the people of Puerto Rico.

Mr. ROMERO-BARCELÓ. So that would be the reason why you came back empty-handed, wouldn't it?

Mr. COLORADO. No, because there were many things that could have been done and could have been approved by Puerto Rico later on. I will not go into the details of each one, but I do not—I think you are going to see that we will come empty-handed again on this one.

Mr. ROMERO-BARCELÓ. We will find out.

Mr. COLORADO. If we continue to find out, there is so many years, we will not be doing much for Puerto Rico.

Mr. ROMERO-BARCELÓ. We will find out. If we do come back full-handed, we will be doing a lot for Puerto Rico.

Mr. COLORADO. I doubt you will because we will win, but no problem.

Mr. ROMERO-BARCELÓ. We will see about that.

Mr. COLORADO. We will see on the 14th.

Mr. ROMERO-BARCELÓ. Not much time left, though.

You say in your statement here that we are not a territory nor a property. Of course not, we are citizens. It is the island of Puerto Rico that is the territory, not the people. The people are citizens.

The problem is that we are citizens without a right to vote and without a right to participate in the Nation that we are citizens of. That is a real problem, is it not?

Mr. COLORADO. I believe that—

Mr. ROMERO-BARCELÓ. If we were not citizens of the United States, there would be no problem here, would it?

Mr. COLORADO. I believe part of the growth of the commonwealth status should be more participation, through whatever means.

Mr. ROMERO-BARCELÓ. What are those means, other than the constitutional means? What are those means?

Mr. COLORADO. Whatever means. I am not going to tell you now, but there are a number of ways in which Puerto Rico can participate.

Mr. ROMERO-BARCELÓ. Which ways?

Mr. COLORADO. Some were discussed during the legislation that was established at the Senate, which included the possibility of Puerto Rico having something to say in relation to the legislation that affected Puerto Rico. That is one way.

Mr. ROMERO-BARCELÓ. That is constitutionally valid?

Mr. COLORADO. That is not for me to decide. I am not a Constitutional expert.

Mr. ROMERO-BARCELÓ. If you ask for something not constitutional, you will not get it, so why waste your time? You will add an amendment to the Constitution?

Mr. COLORADO. If we have to, we will do it.

Mr. ROMERO-BARCELÓ. That is a very lengthy process, isn't it?

Mr. COLORADO. I think we have to fix what is good for Puerto Rico and for the United States in whichever way is good for both. And if there are limitations in the Constitution, then let us work on that. If there are limitations in the legislation, let's change it. But I am not going to be placed in a straitjacket just because somebody wants to place me in a straitjacket.

The reality of Puerto Rico is different from that of other States or other territories that became States, and I am going to continue to fight for that, try to get whatever is best for Puerto Rico, whatever I think is best for Puerto Rico. I can be right or wrong.

Mr. ROMERO-BARCELÓ. You say Puerto Rico is different. Alaska is different from Hawaii, is it not? Alaska and Hawaii are quite different.

Mr. COLORADO. Oh, sure, quite different. They are paying Federal taxes. Very different.

Mr. ROMERO-BARCELÓ. Texas and the mainland are very different.

Mr. COLORADO. Right.

Mr. ROMERO-BARCELÓ. So the differences does not mean you cannot live together or you cannot be partners.

Mr. COLORADO. No, we have been living together as partners. There is no problem.

Mr. ROMERO-BARCELÓ. As partners? We have? I didn't know that we are partners in the Nation.

Mr. COLORADO. I think we are partners.

Mr. ROMERO-BARCELÓ. What voice do we have in the affairs of the Nation and our affairs? Please let me know because I am in Congress and I don't have a right to vote.

Mr. COLORADO. I have been listening to you for about six hours, so you have a lot of voice here.

Mr. ROMERO-BARCELÓ. A voice, sure. There is freedom of speech, no doubt about it. We have a voice. Yes, we have, but we don't vote.

Mr. COLORADO. Then you have a voice.

Mr. ROMERO-BARCELÓ. You were here. How many months were you here?

Mr. COLORADO. I don't know. It was nine months, more or less.

Mr. ROMERO-BARCELÓ. You didn't vote a single time.

Mr. COLORADO. I voted. In the Committee, I voted.

Mr. ROMERO-BARCELÓ. But not on the Floor.

Mr. COLORADO. No. The expense, the cost to Puerto Rico of me being capable of voting here, under the present circumstances, would be, for me, too high to pay.

Mr. ROMERO-BARCELÓ. You think there is a political price?

Mr. COLORADO. Oh, yes, there is a price. There is a big price in Puerto Rico. It means unemployment, not only in the manufacturing sector but also in the government of Puerto Rico, where we would lose \$2 billion, and I would like to know where you are going to get it from.

Mr. ROMERO-BARCELÓ. You say political rights have a price?

Mr. COLORADO. They have a price. I think everybody is in agreement with that.

Mr. ROMERO-BARCELÓ. You are willing to give up your right to vote for economic benefits, is that it?

Mr. COLORADO. No, no. For the benefit of the people of Puerto Rico, so the people of Puerto Rico can live better. If at this time I cannot have some political rights, I will not have them. If I have to fight for the political rights at the same time my people can live well, I will do it.

Mr. ROMERO-BARCELÓ. That is what we have to do.

Mr. COLORADO. But not under statehood.

Mr. ROMERO-BARCELÓ. Why don't you want to go to independence? You can do that.

Mr. COLORADO. No, I do not believe in independence. I do not think statehood is the best for Puerto Rico. I believe in the commonwealth and I will work for that.

Mr. ROMERO-BARCELÓ. But you think it belittles us as people to say—

Mr. COLORADO. I don't have that problem, Mr. Barceló. I don't have it.

Mr. ROMERO-BARCELÓ. You don't have a problem?

Mr. COLORADO. No. I have fiscal autonomy no State has, which gives me the power of getting the money that my people pay in taxes, and that is something that no State has, and I can use that for the benefit of the Puerto Ricans and that I agree on. It is too important for me to give up.

Mr. ROMERO-BARCELÓ. And also to give benefits to the wealthier so the poor are not entitled to receive those benefits. That is also what you believe in?

Mr. COLORADO. Governor Luis Munoz Marin once said if he had to make a few SOB's rich to make sure that the people in Puerto Rico would live better, he would do it. Now—

Mr. ROMERO-BARCELÓ. If he said that—

Mr. COLORADO. What I am saying is to attract industry.

Mr. ROMERO-BARCELÓ. You think it was right when he said that? Do you think it was right?

Mr. COLORADO. I think it was right to a certain extent. I think it was right because if no—

Mr. ROMERO-BARCELÓ. Interesting to hear your philosophy.

Mr. COLORADO. Sure. Because if not, they will go somewhere else and they will make money somewhere else. So we need to employ our people and we have done that and we have done that fairly effectively.

Mr. ROMERO-BARCELÓ. And the only way we can employ our people is to give excessive benefits.

Mr. COLORADO. Not excessive.

Mr. ROMERO-BARCELÓ. What do you call it when a company makes \$120,000 in tax savings per job created, and they only pay \$25,000?

Mr. COLORADO. Those figures are from GAO which obviously only accounts for the direct jobs and the direct benefits to Puerto Rico. They do not include the multiplier effect in the economy of all the benefits of having this company.

Mr. ROMERO-BARCELÓ. Have you read the new GAO report?

Mr. COLORADO. To me it is not worth the paper it is written on.

Mr. ROMERO-BARCELÓ. You are not prejudiced now?

Mr. COLORADO. No, I am not prejudiced. I read the prior ones, and I read this one. It says that the professionals in Puerto Rico—we have so many professionals working in the six companies that if the six companies leave Puerto Rico they will find jobs somewhere else. If anybody believes that, he doesn't know what he is talking about.

Mr. ROMERO-BARCELÓ. The problem is that the companies receiving the benefits of 936 are not going to leave because they don't have to pay taxes.

Mr. COLORADO. In the Commonwealth we have the benefit that we can charge them more or less.

Mr. ROMERO-BARCELÓ. You no longer will have the benefit because it is going to be reduced.

Mr. COLORADO. Then they cannot use 936 and then they will have to pay taxes to Puerto Rico.

Mr. ROMERO-BARCELÓ. You will not have it now because they are going to be reduced at the most to 40 percent.

Mr. COLORADO. With your help.

Mr. ROMERO-BARCELÓ. Yes, because I think it is unfair to the people of Puerto Rico that the wealthiest corporations in Puerto Rico receive all these tax benefits, and because they don't pay taxes the poor are deprived of equal benefits that are received by their fellow citizens in the United States.

Mr. COLORADO. You are willing to accept that. They pay the taxes to the mainland when the income source is Puerto Rico. Instead of asking for a credit so Puerto Rico can prosper and get the benefits.

Mr. ROMERO-BARCELÓ. Yes, I am, because the benefits will be returned directly to the people, and the benefits are given directly to the poor people.

Mr. COLORADO. That we have not seen yet. You were not able to get the \$25 million that was promised to me some years ago.

Mr. ROMERO-BARCELÓ. Yes, it was given in the House, but the Senate did not go along. That is correct.

Mr. COLORADO. Let me say something. If in anything that you can count on me, it is that I will help Puerto Rico get as much as we can.

Mr. ROMERO-BARCELÓ. The only problem with your position is that you are asking for more, and you do not want to contribute. That is the problem. When you want equality, equality means equality of rights, equality of obligations. You have to assume the obligations in order to ask for the rights and ask for the benefits. Otherwise, you are in a very untenable position.

I think it is very demeaning to the people of Puerto Rico. I think it is shameful that we are asking and asking and never are willing to contribute and participate in the responsibilities. That is the only thing that people who are fair to themselves and fair to others can do.

Mr. COLORADO. What is demeaning and shameful is for someone to say to the people of Puerto Rico, you know I am going to give you more money so you don't have to work. Instead of creating jobs, I am going to give you money. The Federal Government will give you more money so you don't have to work. Where is the responsibility there?

Mr. ROMERO-BARCELÓ. How does health care fit in?

Mr. COLORADO. I told you that I would be willing to help on health care. I don't think health care is a matter of 936 funding or not. I think health care is a right the Puerto Rican people should have. I think that, together with all the other areas that may or may not get those funds, we should fight for it for the people.

Mr. ROMERO-BARCELÓ. So, you don't think you should have the food stamps either?

Mr. COLORADO. That is not what I said. I said if getting statehood for Puerto Rico is going to cost thousands of jobs in the government and in the manufacturing area and the multiplier effects, that I can still work for those benefits within the Commonwealth as you are doing now.

Mr. ROMERO-BARCELÓ. Because we are now for the first time going to be paying income taxes. That is what gives you the leverage now and the arguments because you did not get the equal treatment, your predecessor did not get it, none of the other Resident Commissioners could get the equal treatment.

Mr. COLORADO. We had it the first time, and you lost it.

Mr. ROMERO-BARCELÓ. No, I did not lose it. I was not in Congress.

Mr. COLORADO. You were in Puerto Rico as governor.

Mr. ROMERO-BARCELÓ. It was because it is too much. They said you do not pay taxes and—like all the other programs that are capped in Puerto Rico, because we don't pay taxes. That was the argument.

Mr. COLORADO. What I believe is fair for the people of Puerto Rico, at the economic level that we are, we should have everything that we can get to enhance our economic circumstances. It can mean some 936 paying. That is not the issue. It can mean some of the people paying or not paying. It really means developing more so we can get much closer to the mainland and then maybe we can participate in some of these programs by paying part ourselves. Maybe we can do that.

By becoming a State we will not be able to do that. We will not reach that goal.

Mr. ROMERO-BARCELÓ. Have you seen a poorer State than Puerto Rico?

Mr. COLORADO. That has nothing to do with it. Mississippi is as poor as it was relative to all the other States. Hawaii is not richer by becoming a State. Alaska is not richer by becoming a State.

Mr. ROMERO-BARCELÓ. Many have become wealthier relative to Puerto Rico.

Mr. COLORADO. Hawaii has not.

Mr. ROMERO-BARCELÓ. I am not talking about Mississippi. Mississippi has over \$13,000 per capita income and Puerto Rico has about \$6,000, less than half.

Mr. DE LUGO. The time of the gentleman from Puerto Rico has expired.

The gentlemen from Guam.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I apologize for not being here for your statement. I understand from the Chairman that you know a great deal about commonwealth, a political status in which I have a great deal of interest.

In your testimony you made reference, as have many of the previous people who have appeared before the Committee and indeed people have talked incessantly about it, and that is the concept and the process of self-determination. This, of course, is of interest to all people in territories.

I would like to hear your ideas as to what you perceive or what process do you suggest as a process to reach self-determination and do you consider self-determination a one-time event, a process in

which you engage in at one point in time in which you then subsequently either do not engage in it or you certainly don't engage in it in the same way?

Mr. COLORADO. I think it is, obviously, a very difficult question which I know neither you nor I have the right answer yet. But we have to work with realities.

The reality is that we in Puerto Rico are a people, much more than Hawaii or Alaska were. The Eskimos in Alaska really are not in charge. It is really a community that was fairly integrated into the American community.

I would say it is much more homogenous, and it was much more homogenous at the time they became a State. They were incorporated territories which meant they were paying taxes. They have had no 936, no fiscal autonomy.

Now they did not have a strong culture. They did not have that strong culture as we in Puerto Rico do have and as I feel that—many times I say we are a people within a people.

We have the people of Puerto Rico within the United States. Then that creates a problem because your identity that obviously is part of you, that can change, but it takes hundreds and hundreds and hundreds of years for it to change when you have such an amount of people in one island. So it is very difficult.

So then what do you transfer? I heard our friend, Congressman Serrano—or, no, I think it was Congressman Gutierrez—about the transfer of the sovereign rights. I mean how do you do that? Do you take away food stamps? Do you take away the benefits of the relationship for them to be capable of making the right decision?

I am sure that some of the ones that will speak later have much more to say about this than I do, but I see that as something that is very difficult.

Then, again, you say when you become a State—we have a lot of people in Hawaii now. They tell me the last time they celebrated their Queen's Day or something like that, they lowered the American flag, the governor who is supposedly not so much for statehood anymore.

Puerto Rico has a much stronger culture. We are most clearly a nation if you want to call it a nation, a people if you want to call it a people. You know, the name does not really make the thing, but the thing is something special. It is something different, obviously.

If we became a State by 55 or 60 percent—I doubt that that would happen. But if we did, what happens if 10 years from now we say, you know, it doesn't make any sense for us? I don't have the answer.

The only way I can see it is to make it as clear as possible for Puerto Ricans to know what they are getting into, and that requires much more than what we who are for commonwealth can tell them about commonwealth. It requires much more than what the statehood people can tell them about statehood or about what statehood the United States would accept or about the commonwealth or the improvement in commonwealth that the United States is willing to accept.

It is very difficult. I think the steps we took two or three years ago are fantastic, especially the House approved something that

was acceptable and palatable, but, on the other hand, the Senate approved some descriptions that I think were very good. It is very difficult.

Mr. UNDERWOOD. What I am really trying to get at when I asked these questions earlier, I am trying to figure out—and I recognize that peoples's interests in given political status options obviously helps shape the way they think about the political process.

By the same token, when we talk about self-determination, we either assume that we go into this process discussing self-determination. It exists for everybody. I mean, it exists for everybody who is not fully a part of this country in some fashion. So, there are many open questions about that.

Unless I am misreading you, and I hope I am not, I hope there is not a separate kind of self-determination for Puerto Rico as for someone else based upon its history. I think that self-determination exists as a concept and as a principle that we can apply to all people who are not fully a part of this country.

Yet, at the same time, I am looking for that process. I keep hearing that people talk about it in a very general way, and people, whenever they discuss self-determination, they automatically start discussing the given option.

But before we get to the option, I am looking for what would constitute it. If there is no common ground between all the major political parties and all the major political status options in terms of what constitutes an exercise of self-determination, then I am afraid that we are not getting closer to resolving the issue. Is there a process that you see in this?

Mr. COLORADO. I think the process, first, has to be that everyone respects everyone's formula, whatever it is, and the people decide. When we say self-determination, the people are the ones that are going to decide. I am saying they should decide on the basis of having the most, closer to the reality as far as the option that they can have. We are talking about, for example, one or some of the other islands or territories.

The principle, the concept of self-determination is the same. The way it will be applicable is different. It has to be different because the options are different. Some countries may not have the option of a commonwealth. We do. Why? Because most of the people in Puerto Rico for many centuries have wanted to be in a relationship, in a special relationship with the motherland, whatever it is, be it Spain before and now the United States.

So now they need an opportunity to be able to determine their future on the basis of that alternative. Some other countries may not.

Mr. UNDERWOOD. In your description of the commonwealth you use the term compact quite often. Of course, we have a new commonwealth in the Northern Mariannas. They have used the term covenant. The term compact is more often reserved to a free-association status.

Mr. COLORADO. That is the word that was used. It was used in the nature of a compact.

Mr. UNDERWOOD. The compact implies, does it not, that some mutual consent provisions over various dimensions of self government?

Mr. COLORADO. That is the way it was described, as an agreement which was approved by both the Congress of the United States and by the people of Puerto Rico that went back and forth and was changed and negotiated and finally approved by the people of Puerto Rico after being approved by Congress. Both parties approved it.

Mr. UNDERWOOD. Can one side unilaterally abrogate that compact?

Mr. COLORADO. I don't believe so.

Congress has done it on several occasions. 936 was mentioned before. That has nothing to do with the compact. 936 is legislation having to do within the Internal Revenue Code, that it is directed at the taxes to be paid by U.S. companies, be it in Guam or be it in Puerto Rico. If you have it in Guam and we have it in Puerto Rico, obviously it has nothing to do with the compact.

There are many things we have in common that have to do with the compact. For example, it has been mentioned that it has to do with fiscal autonomy. It doesn't have anything to do with fiscal autonomy either. Why? The Dominican Republic doesn't have 936. Mexico doesn't have it. It is an internal legislation of the United States having to do with their corporations doing business in Puerto Rico or any other territories.

I do believe we have a compact. This is what we were told by the Congress and even by President Bush when he was the representative in the United Nations. This was what was accepted by the United Nations. Now, if it is different now—I don't know why it should be—but if it is different now we should know.

What I am telling Congress is that the people of Puerto Rico have a right to know if what you said was so, is not anymore. If we cannot trust your word, the word you gave so many years ago, let us know. If we have to do something else now, let's do it.

I do believe that the commonwealth status has a lot of area for improvement. We were discussing with the Resident Commissioner additional participation.

At the same time, I think we need more flexibility on one side and more participation on the other. I think the advantage of commonwealth is that it can develop according to the circumstances instead of as a strait jacket. Independence, it is going now into interdependence in many countries.

Mr. UNDERWOOD. One last question: You mentioned in your testimony Puerto Ricans who live in the 50 States and their participation in an act of self-determination. How do you envision that, in 25 words or less?

Mr. COLORADO. I think today you will hear more eloquence and experience in this area later on by some people who will talk about this issue.

I believe the Puerto Ricans in the mainland and the Puerto Ricans in Puerto Rico are related in such a way that you have them going back and forth. It is really one community. Now we are talking about electing a governor or whatever. I don't see their participation.

But when you are deciding the future of their country and when you ask an American citizen who was born in Puerto Rico or of Puerto Rican parents, you ask them what are you, they will tell

you they are Puerto Ricans first, and then they are American citizens. They are very proud of being American citizens, and they are proud of being Puerto Ricans.

I don't see a conflict. Some people do. I believe those people who feel that way should be more entitled than many that live in Puerto Rico who do not feel that way. It is difficult. It is not easy to decide who—two parents, one parent, born in Puerto Rico et cetera, et cetera. It is not easy.

Mr. UNDERWOOD. I want to thank you very much.

Mr. DE LUGO. Thank you very much for your contributions here today.

We are going to move along. Our next panel is made up of two or more of the most outstanding leaders of the islands on status issues.

The first to speak will be the Chairman of the Senate Foreign Affairs Committee, Kenneth McClintock. He will be followed by Senator Marco Antonio Rigau.

PANEL CONSISTING OF HON. KENNETH D. McCLINTOCK-HERNÁNDEZ AND HON. MARCO A. RIGAU, MEMBERS OF THE SENATE OF PUERTO RICO

Mr. DE LUGO. First, we will hear from Senator McClintock.

STATEMENT OF HON. KENNETH D. McCLINTOCK-HERNÁNDEZ

Mr. McCLINTOCK. Thank you, Mr. Chairman.

My name is Kenneth D. McClintock-Hernández. I am a member of the Puerto Rico Senate, elected at-large by an island-wide constituency.

I chair its Committee on Federal Affairs and Socioeconomic Development, a new committee created by the new pro-statehood supermajority in the Senate, charged with focusing its attention on matters pertaining to Puerto Rico's relationship with the rest of our Nation and economic matters. I recently served on the Select Joint Committee that analyzed what is known since July 4 as the 1993 Plebiscite Law.

Puerto Rico, as you are aware, will be voting on its political future next November 14. My written testimony expounds on the fairness of this process and includes a copy of the plebiscite law in Puerto Rico's newest official language. Regardless of the name given to the process, plebiscite, consultation or whatever, the reality is that a higher percentage of Puerto Rico's voters will vote than usually vote in virtually any Congressional district of this nation.

Puerto Rico expects fair treatment from Congress. We expect to hear and are prepared to confront the arguments espoused against the admission of Hawaii, Alaska, New Mexico, Arizona and Oklahoma.

What would be unconscionable would be to apply to Puerto Rico's petition for admission higher standards that were not applied to other U.S. citizens that did not have to wait as long as we have had to wait to become a State.

My friend, Congressman Gutierrez, has suggested that international law must be strictly applied. Strict application of international law to an island whose people have been American citi-

zens for four generations and who have been subject to American constitutional law for five generations would have serious consequences.

First, it would require the U.S. Congress to backtrack on the Gettysburg Address and allow the dead on those hallowed grounds to have died in vain. For Congress would have to recognize that inalienable right of States to secede from the Union or at least those States, such as Texas and Hawaii, that were clearly nations prior to joining the union.

Second, it would require Congress to impose independence on Puerto Rico as a precondition to self-determination. Over 90 percent of the people of Puerto Rico do not want to be independent even for a day.

Third, strict interpretation of international law would allow the Puerto Rican-born son of a non-Puerto Rican serviceman to vote and would deny the vote to my Texas-born father who chose Puerto Rico as his home 41 years ago, who has been married to a Puerto Rican for 39 years who has three Puerto Rican sons and daughter and four Puerto Rican grandchildren and who will be buried in Puerto Rican soil.

It is unfair to require the potential dismemberment of the Union. It is unfair to impose unwanted independence, and it is unfair to deny the vote to long-time residents of Puerto Rico as preconditions for Puerto Rican self-determination.

Congressman Gutierrez' apparently unwillingness to vote for a statehood admission bill under any circumstances should not be the basis to foist upon the Congress the adherence of a strict construction of international law that would not only impede Puerto Rican statehood and redefine the nature of our Federal union, but would also effectively impede any further political status developments in the U.S. Virgin Islands, Guam or American Samoa that were not preceded by independence.

I don't think the people on Guam or the U.S. Virgin Islands wanted independence as a precondition to any future advancement in political status.

Once again, Mr. Chairman, we strongly urge this Subcommittee and the Congress as a whole to take international law as recognized by the United States into account in your deliberations, but not to the extent of totally obliterating Abraham Lincoln's legacy or our quest to have our petition for admission studied under the same standards that the other 37 petitions for admission were studied and granted.

I thank you, Mr. Chairman, for this opportunity to speak on the intrinsic fairness of Puerto Rico's 1993 plebiscite law and indirectly on the Serrano Resolution.

I have provided the Committee yesterday a full set in Spanish of the transcripts of the five days of hearings held by the Joint Select Committee on the Plebiscite.

Mr. DE LUGO. Thank you very much.

[Prepared statement of Mr. McClintock-Hernández follows:]

Statement by
 Senator
 Kenneth McClintock-Hernández
 Chairman, Committee on Federal Affairs
 Puerto Rico Senate

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Subcommittee on Insular and
 International Affairs
 U.S. House of Representatives

• • •

July 13, 1993

My name is Kenneth D. McClintock-Hernández. I am a member of the Puerto Rico Senate, elected at-large by an islandwide constituency. I chair its Committee on Federal Affairs and Socioeconomic Development, a new committee created by the new pro-statehood supermajority in the Senate, charged with focusing its attention on matters pertaining to Puerto Rico's relationship with the rest of our nation, and to the economy. I recently served on the Select Joint Committee that analyzed what is known since July 4 as the 1993 Plebiscite Law.

During 1992, Dr. Pedro Rosselló campaigned for Governor on a pledge to call a plebiscite in 1993 to allow Puerto Rico's electorate to choose among Statehood, Independence, or a continuation of our current Commonwealth relationship.

His solid victory last November and the replacement of an old pro-Commonwealth Legislature with a new Legislature in which statehooders enjoy a 68% majority, is widely interpreted as a mandate to consult the people on a political status change.

On May 4, after devoting 4 months to dealing with more immediate problems, Governor Rosselló initiated a consultation process with the elected legislative leadership of the island's three local political-status oriented parties. On May 20, he submitted the plebiscite bill that became law last July 4.

A Select Joint Committee of the Legislature held over 40 hours of public

televised hearings at which over 40 witnesses were heard. Dozens of amendments were suggested and, in the end, many were adopted, including one introduced by the main opposition party to allow the use of geometric symbols—a triangle, a circle and a rectangle—for the three political status formulas on the ballot.

While each of these symbols will stand for a status option, they jointly are a symbol of Governor Rosselló's willingness to adopt the best ideas from all sides in order to have the fairest law ever to govern a plebiscite or referendum on the island.

As you know, Puerto Rico held a political status plebiscite in 1967 and a status-related referendum in 1991, both under the auspices of the Popular Party. I would like to devote a couple of minutes to discussing a number of areas in which the Rosselló Plebiscite Law is equal, or far superior, to prior electoral laws.

Public financing

Each status formula received \$385,000 in public financing in 1967. While Governor Rosselló had originally suggested a \$750,000 appropriation for each formula this year, he "raised the ante" to \$900,000 per formula, which closely approximates the \$1.1 million present value of the 1967 grant. When you throw in the up to 204 full-time paid employees that each formula will have during the last 11 weeks of the campaign, the 1992 public financing package exceeds in real value the 1967 grant.

Spending limits

Parties accepting public financing may spend no more than \$3 million, including no more than \$1.5 million in media expenditures. The combination of spending limits and generous public financing assures each party the necessary resources to cover at least 60% of their maximum media expenditures, which should substantially level the playing field. I must mention at this point that no spending limits were legislated for the 1991 referendum, thus resulting in the statehood party

While others may appear before you questioning a plebiscite law that is the result of a clear electoral mandate, as well as the open-mindedness of a new governor willing to accept suggestions from opposition party leaders, please keep in mind that such criticisms are in keeping with Puerto Rico's highly divisive and partisan political system.

The Plebiscite Law signed by Governor Rosselló is fairer than any comparable legislation in the past.

Congress can rest assured that the results of a plebiscite held under the rules of fair play will accurately reflect the people's will, especially if voter turnout meets or exceeds expectations.

Between 1989 and 1991, the United States Congress had the opportunity to take the lead on this issue and it didn't. The implicit message in not doing so was that Puerto Rico should get its act together first, decide what status option it preferred, and then, and only then, return to Congress to petition for a specific status formula. That is what the people voted for last November, and that is the process—the right to petition Congress—that began last July 4th with the signing of the 1993 Plebiscite Law by Governor Rosselló.

I thank you, Mr. Chairman, for this opportunity to speak on the intrinsic fairness of Puerto Rico's 1993 Plebiscite Law and I include a copy of the same in English, one of our two official languages, plus a full set, in Spanish of the transcripts of the five days of hearings held by the Joint Select Committee on the Plebiscite.

being outspent 11 to 1 (although our proposition nevertheless won by a landslide).

Government advertising

Puerto Rico's Electoral Law prohibits government advertisements during the months leading up to a general election. Although that ban doesn't apply to special elections or referenda, Governor Rosselló specifically self-imposed the ban in the recently enacted Plebiscite Law.

In 1991, the Popular Party defeated an amendment imposing a ban prior to the December 8 referendum, allowing the incumbents then to spend over \$10 million in government ads during the months leading up to the referendum.

Eligible voters

Public law in most Latin countries is based on *ius sanguini*, ancestry, while public law in the United States, including its two Civil Law jurisdictions, Louisiana and Puerto Rico, is based on *ius soli*, or domicile.

While some witnesses at our legislative hearings, including Puerto Rico's mandatory Bar Association, suggested that *ius sanguini* should apply so as to allow Puerto Rican-born persons who don't reside in Puerto Rico to vote in the plebiscite, the downside of that proposition, as the Bar Association president admitted, is that long-standing residents of Puerto Rico, such as my father, who chose Puerto Rico as his home 41 years ago, would not be allowed to vote, even though they are U.S. citizens and voters in Puerto Rico elections.

In keeping with long-standing electoral law supported by all political parties, the 1993 Plebiscite Law applies existing law regarding voter eligibility.

Neutral voter education

The 1993 Plebiscite Law appropriates \$1.35 million to the State Elections Commission for a neutral, balanced, factual, voter education media campaign approved by Puerto Rico's three political parties.

(H.B.694)

(No. 22)

(Approved July 4, 1993)

AN ACT

To provide for the holding of a Plebiscite on the Political Status of Puerto Rico; to provide for its organization; to establish prohibitions with regard to the publication of advertisements; to define some violations of law regarding the Plebiscite herein provided; to repeal Act No. 1 of December 23, 1966, known as "Plebiscite Act of 1967" and to appropriate funds for the holding thereof.

STATEMENT OF MOTIVES

By virtue of the First Amendment of the Constitution of the United States of America, the American citizens residents in Puerto Rico have the right to "peaceably assemble and to petition the Government for a redress of grievances". More than twenty-five years have passed since the last time the People of Puerto Rico had the opportunity to exercise this right with respect to the definition of its political status by means of a plebiscite. During these years, our society has changed dramatically. There is a new generation of Puerto Ricans who wish to express themselves free and democratically, at the polls, for the purpose of establishing the grounds for the solution of the political status problem of Puerto Rico.

It corresponds to the people of Puerto Rico to deal directly with the decision regarding its final political destiny. For this reason, and because of the commitment all Puerto Ricans have to our right to petition and self-determination, the Legislature has the responsibility to make feasible the holding of non-discriminatory plebiscites on the general question of status.

This year, when we celebrate the Fifth Centennial of the discovery of our Island by Spain, it constitutes a great burden in the minds of the Puerto Ricans that such an important date should pass without expressing themselves with respect to its future. It seems, thus, essential to hold a plebiscite on the political status which would include the three main ideological tendencies of our historical development, to be held during the month of November, 1993.

The electoral expression of the People of Puerto Rico is fundamental in order to initiate the process of the final definition of the political status. Inclusively, all the Presidents of the United States, from Dwight D. Eisenhower to William J. Clinton, have stated their commitment to respect the decision of Puerto Ricans. The Congress of the United States has stated the same. In fact, recent steps taken by

the Congress directed to finding a solution to the problem of the political status of Puerto Rico were halted due to the absence of an electoral expression of Puerto Ricans, as manifested by the majority of the Federal Senators who intervened in that process.

The exercise of the inalienable right of Puerto Ricans to self-determination through vote is a right internationally recognized and of specific application in the juridical systems of the United States of America and the Commonwealth of Puerto Rico. The future and aspirations of our people must be jolted from the apathy caused by inactivity. It corresponds to the people to initiate the process of self-determination. This Act is a legitimate instrument for the vote and action of the people.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- To provide for the holding of a Plebiscite on November 14, 1993, in which the People of Puerto Rico may express their will regarding the political status of their preference. Said Plebiscite shall be held in a free, equitable and democratic manner, so that qualified voters may vote in same and choose among the following political formulas:

- (a) Statehood
- (b) Commonwealth
- (c) Independence

The principal political parties or any group, organization or entity certified or selected to defend any of the three status formulas, shall state in writing the definition of the status formula each is proclaiming and defending during the plebiscitary process authorized herein.

Section 2.- The Commonwealth Elections Commission shall design and print the ballot to be used, which shall be uniform in size, printed in black ink on heavy paper, so that that the printing thereon will not show through to the back.

The ballot shall bear the following full-width heading at the top end:

"Plebiscite on the Political Status of Puerto Rico".
Thereunder shall appear three columns.
At the top of the first column there shall appear the emblem, symbol or insignia representing statehood.
Thereunder, the following word shall appear: "Statehood", under which shall be a space for the voter's mark.
An the top of the second column there shall appear the emblem, symbol or insignia representing the Commonwealth.

Thereunder, the following word shall appear:

"Commonwealth", under which shall be a space for the voter's mark.

An the top of the third column there shall appear the emblem, symbol or insignia representing Independence.

Thereunder, the following word shall appear:

"Independence", under which shall be a space for the voter's mark.

Section 3.- Not later than thirty (30) days from the date of effectiveness of this Act, the principal political parties interested in participating in the process, or in the absence thereof, any group, organization or entity certified or selected to defend one of the three (3) status formulas, as established in Section 9 of this Act, shall submit to the Commonwealth Elections Commission the clear and concise definition of the political status formula they proclaim. In a drawing to be conducted by the Commonwealth Elections Commission, not prior to fifteen (15) days nor later than twenty (20) days after the effectiveness of this Act, the symbol corresponding to each formula shall be awarded in the presence of the representatives of the three formulas. The Commission shall award one of the following geometric figures as a symbol to each of the three formula:

- (1) a circle
- (2) a triangle
- (3) a rectangle

Section 4.- The Commonwealth Elections Commission shall announce the Plebiscite through a Proclamation to be published at least sixty (60) days before the Plebiscite is held in three (3) general circulation newspapers of the Commonwealth of Puerto Rico.

Section 5.- The Commonwealth Elections Commission shall have the responsibility of organizing, directing, implementing and supervising the Plebiscite process provided in this Act, as well as any other functions conferred to it by virtue of this Act.

Section 6.- Act No. 4 of December 20, 1977, as amended, known as "Puerto Rico Electoral Act", and the regulations approved by virtue thereof, except when incompatible with the provisions of this Act or the regulations approved pursuant to the same, shall be considered supplemental to this Act and its provisions shall be applicable to all the procedures related to the holding of the Plebiscite, as may be necessary, pertinent and compatible with the purposes of this Act and provided that no other regulations have been adopted. The Commonwealth Elections Commission shall be empowered to adopt the regulations or resolutions that may be necessary for this procedure to be carried out and the purposes of this Act complied with in an effective and equitable manner. Likewise, the Local Elections Commissions shall execute the functions inherent to their responsibilities, adjusted to the special characteristics of this Plebiscite.

The leave granted by Section 1.021 of the Puerto Rico Electoral Act to the local Commissioners who are public servants shall be effective from August 30 to November 15, 1993. For the purposes of this Plebiscite, the payment of per diems provided in Section 1.020 of the Electoral Act is hereby authorized to a maximum of four monthly meetings.

Section 7.- Those elector duly qualified as such, pursuant to the Puerto Rico Electoral Act shall be entitled to vote in the Plebiscite provided in this Act. The Commonwealth Elections Commission shall include in the list of voters all those electors active in the General Register of Electors as of November three (3), 1992, except for exclusions due to death, those electors who, as of November fourteen (14), 1993 have reached the age of 18, and those electors who register or become active as such on the date of the final closing of the electoral registry, pursuant to Section 15 of this Act. The presentation of the Puerto Rico Electoral Identification Card, which shall be punched after the elector has cast his/her vote, and the inking in the voting procedure shall be required pursuant to the Puerto Rico Electoral Act. It shall not be necessary for this Plebiscite to send the file card to the polling places, as provided in Section 2.009 of the Electoral Act.

Section 8.- The Commonwealth Elections Commission shall develop a campaign to provide information and orientation for the Puerto Rican elector on the Plebiscite to be held on the Political Status of Puerto Rico, exhorting electors to register and participate in the process; the manner in which the elector should mark the ballot to cast his/her vote therein; and the contents of the definitions for each of the status formulas proposed by the political parties or the groups that shall participate in the Plebiscite representing the various formulas. The Commonwealth Elections Commission shall use all available communications media and public broadcasting techniques for said campaign. Said campaign shall begin at least sixty (60) days prior to the date in which the Plebiscite is to be held. As part of its information and orientation phase, this campaign shall reproduce verbatim throughout the communications media the text of the definitions of each of the three status formulas submitted to the vote. Provided, that the contents of the formulas to be punished and which were presented by the political parties or groups representing them and participating in the Plebiscite, shall not exceed one third of an 8 1/2" by 11" sheet of paper, single spaced in number 12 pica type. The Commission shall also publish, at least once, in all the newspapers of general circulation, the text of the definitions, and shall reproduce said text in 8" by 11" handout leaflets to be extensively distributed, copies of which shall be available together with the ballot to the electors on the day of the Plebiscite at the polling places.

Section 9.- The duly registered principal political parties may participate in the Plebiscite, officially representing one of the formulas, provided that their central

directing bodies notify the Commission in writing of such an intention within fifteen (15) days following the date of effectiveness of this Act. If the central directing body of any party having a specific formula in its program fails to notify the Commonwealth Elections Commission of its intention to participate in the Plebiscite, as above provided, or if any party, having notified the Commonwealth Elections Commission of its intention to participate and campaign during the Plebiscite as an active supporter of such status formula, later agrees to recommend abstention or wishes to abstain from voting in the Plebiscite should over thirty (30) day remain before the date set for the Plebiscite election, the Commonwealth Elections Commissions shall proceed to issue a certification authorizing any group, organization or entity to choose one of the formulas to defend, provided it complies with the following requirements:

(1) If, by the date of its certification by the Commonwealth Elections Commission, said group, organization or entity existed and had a public and acknowledged history of defending the status formula concerned; and if it were composed in part by persons affiliated to a group, organization or entity that existed prior to the date of the holding of the Plebiscite and had a public and acknowledged history of defending the status formula being promoted by the actual group, organization or entity; or, not having existed at the date of effectiveness of this Act, a substantial number of its members has had a public and acknowledged history of defending the status formula they intend to represent during the Plebiscite because of their affiliation to any party.

(2) That said group, organization or entity is interested in participating actively in the proposed Plebiscite, in support of the status formula of its preference and that to such effects, its central directing body has correspondingly agreed.

(3) That the central directing body of said group, organization or entity representing the status formula of its preference before the government bodies, for the purpose of this Plebiscite, shall notify the Commonwealth Elections Commission in writing the names and addresses of the members constituting the directing committee of said group, whose names shall appear in the certification issued by the Commonwealth Elections Commission. Said certification shall be accompanied by a list containing a number of signatures equal to no less than one percent (1%) of all the electors who voted on the last general elections for the political party which promoted the status formula favored by said group, organization or entity interested in participating in the Plebiscite. Such petitions may only be subscribed by those electors entitled to vote. The Commonwealth Elections Commission shall adopt the governing rules with respect to the special form and the procedures that shall be observed to establish this provision.

Section 10.- Any bona fide group of citizens may participate as observers of the electoral process, provided they comply with the requirements established by the Commission to that effect through regulations. The Commonwealth Elections Commission shall provide, through regulations, the degree to which these groups shall participate as observers in the Plebiscite process pursuant to the provisions in the Puerto Rico Electoral Act. Any groups of citizens wishing to participate as observers in the democratic electoral process, shall notify the Commonwealth Elections Commission of their intention within fifteen (15) days following the effective date of this Act. Any party which notifies the Commonwealth Elections Commission as to its intention to participate in the Plebiscite shall be entitled to be represented in the polling places, as provided in the Puerto Rico Electoral Act.

Section 11.- Electors entitled to absentee vote, as provided in Section 5.035 of the Electoral Act, shall file an application under oath not less than thirty (30) days before the date of the Plebiscite. For the purposes of adjudicating the absentee votes received, a term of not less than thirty (30) days from the delivery of the ballots by the Commission to the elector shall be granted.

Section 12.- The Commonwealth Elections Commission shall establish, through a resolution, the maximum number of officials or employees from the agency, for the National Guard or from the Puerto Rico Police assigned to essential duties on the day of the Plebiscite who shall be entitled to an advanced vote.

Section 13.- On the day of the Plebiscite, the Puerto Rico Police shall provide sufficient regular personnel to see that public law and order are maintained.

In those municipalities having a Municipal Guard Corps, it shall collaborate with the Puerto Rico Police to maintain order and security in the polling places.

Section 14.- The Commonwealth Elections Commission shall adopt the rules for the holding of the Plebiscite at least sixty (60) days before the date thereof. Any proposed amendment to such regulations shall be presented to the Commonwealth Elections Commission by one of the Electoral Commissioners and shall be approved unanimously by the Commissioners present at the moment of voting. Any amendment submitted for the consideration of said Commission which does not receive unanimity of votes, shall be decided, for or against, by the Chairman, whose decision shall be considered as the decision of the Commonwealth Elections Commission and may be appealed as provided in the Electoral Act. Provided, that any amendment during the last twenty (20) days prior to the voting and until the conclusion of the canvass, shall solely be made by unanimity of votes in the Commonwealth Elections Commission.

to the reports containing data regarding fund collecting and campaign expenses.

Section 19.- No person, whether natural or juridical, may make contributions, directly or indirectly for the plebiscite campaign of a principal political party, group, organization or entity representing one of the political status formulas, or to independent groups supporting any status formula, in excess of the following amounts:

(a) All natural and juridical persons may make voluntary contributions to a political party or group representing one of the political status formulas in the Plebiscite for up to a total amount of two thousand five hundred (2,500) dollars. Likewise, all natural and juridical persons may make contributions to independent groups or committees supporting one of the formulas, for up to the amount of five hundred (500) dollars. In any case, the total contributions of one person may not exceed five thousand (5,000) dollars.

(b) Any direct or indirect contribution from a banking institution; from any institution devoted to lending money; from brokerage firms devoted to selling securities; and from corporations whose stocks are sold in securities markets or to the general public or from affiliates or subsidiaries thereof, made for purposes of the Plebiscite campaign to any political party or group representing one of the political status formulas in the Plebiscite shall be illegal.

Section 20.- Any person or group of persons not attached to a political party or to any group, organization or entity certified or selected to defend one of the three status formulas, who receives contributions or incurs independent expenses in excess of five hundred (500) dollars to campaign for or against one of the formulas, shall register at the Commission within ten (10) days following the date in which they were organized as a group, or the date in which the excess contribution or expense herein provided is either received or incurred.

Section 21.- Any person or group of persons not attached to a political party or to any group, organization or entity certified or selected to defend one of the three status formulas, that independently requests or accepts contributions, or incurs independent expenses for the benefit of one of the formulas, must publicly reveal and specify that said expense has not been approved by the party, group, organization or entity in question. Any oral or written communication through which contributions are requested or accepted, or through which independent expenses are incurred for the benefit of a party, group, organization or entity certified or selected shall indicate clearly and straightforwardly that the activity or announcement publicized has been made without the authorization of the concerned party or group, organization or entity certified or selected that is being benefited.

Section 15.- The Commission shall determine the time of delivery of the electoral lists and the closing of the listings. The final closing date for electoral registry shall never exceed fifty (50) days prior to the holding of the Plebiscite. The Commission shall provide measures and remedies in order to guarantee the right to vote of any elector who, for reasons which cannot be attributed to the latter, is unduly excluded from the electoral registry.

Section 16.- The Commonwealth Elections Commission shall keep all ballots and canvassing result sheets corresponding to the Plebiscite for a term of ninety (90) days following the certification of the results, and they shall then be destroyed, unless any legal appeal were pending, in which case, they shall be kept until the judgment is rendered and it becomes final and binding.

Section 17.- For the purposes of this Act, the Chairman of the Commonwealth Elections Commission is hereby authorized to order the purchase or lease of materials and printed matter and machinery and equipment directly from the suppliers, without the intervention of the Purchasing and Supplies Service of the General Services Administration. Likewise, the President of the Commission is hereby authorized to contract the use of electronic or any other type of machinery to carry out the purposes of this Act.

It shall be the duty of the Government of the Commonwealth of Puerto Rico, its agencies, instrumentalities, municipalities, public corporations and their subsidiary corporations, to provide, the Commonwealth Elections Commission free of charge for its use, during a reasonable period of time and provided this does not unduly hinder the public activities they perform, with any office equipment and other mechanical, electronic, and transportation equipment, personnel or any other resources available, which may be necessary to adequately perform the duties herein imposed.

Section 18.- Every principal political party or any group, organization or entity certified or selected to defend one of the qualified status formulas which has availed itself of the public financing provided in this Act and eventually decides to withdraw its participation from the Plebiscite, shall be obliged to return the amount received up to the moment of withdrawal from the process plus the legal interest.

All principal political parties or groups, entities or organizations which are entitled to and actually avail themselves of the public financing provided in this Act, may spend up to a maximum amount of three million (3,000,000) dollars on the Plebiscite campaign. Provided, that an amount of up to one million, five hundred thousand (1,500,000) dollars may be spent for the purchase of time and space in the communications media.

The Commonwealth Elections Commission shall provide, through regulations to such effects, as to matters pertaining

Any expense incurred and which does not comply with what is herein provided shall be charged to the limit of the political party, group, organization or entity certified or selected to defend one of the three (3) formulas supported by the concerned person or group of persons.

In any publicized communication, be it oral or written, pursuant to the provisions of this section, the name of the person, persons or independent group which sponsors and defrays the same must always be identified, as well as the name of the treasurer or his/her authorized agent, should it be a political organization or committee.

Section 22.- Sixty (60) days before the date the Plebiscite is to be held and until November 15, 1993, the agencies of the Government of Puerto Rico, the Legislature of Puerto Rico and the Judiciary Branch are prohibited from incurring expenses for the purchase of time and space in the public information media in order to expound their programs, projects, achievements, accomplishments, projections or plans or to otherwise influence, directly or indirectly, the electors as to voting in the Plebiscite on the Political Status of Puerto Rico. Those press notices and announcements expressly required by law are excluded from this provision. Likewise excluded are those notices used to divulge information of public interest, urgency or emergency, which shall only be allowed by prior authorization of the Commonwealth Elections Commission. This provision of law shall not be applicable to the Commission created by H.R. No. 71 of June 30, 1986.

Section 23.- It is prohibited to keep public propaganda or persuasion premises for or against the political formulas proposed in the Plebiscite, open to the public on the day of the Plebiscite within a radius of one hundred (100) meters from any building or structure where a polling place has been established, which distance shall be measured from any point in the building or structure where the propaganda premise has been installed.

Section 24.- No propaganda or persuasion premises for or against the political formulas proposed in the Plebiscite shall be installed at less than fifty (50) meters from another one or from a political propaganda premise or from the Permanent Registration Boards established previously. The implementation of this Section shall be carried out pursuant to the provisions of Seccion 8.002 of the Puerto Rico Electoral Act.

Section 25.- In addition to the prohibitions mentioned above, the provisions on prohibitions and offenses established in Sections 8.003 to 8.027 of the Puerto Rico Electoral Act shall govern in full force and effect.

Section 26.- Any person who violates the provisions of this Act shall be sanctioned with the penalty of imprisonment for not more than six (6) months or a fine which shall exceed

five hundred (500) dollars, or both penalties at the discretion of the Court.

Section 27.- The Chairman of the Commonwealth Elections Commission shall send a certification of the results of the Plebiscite to the Governor of Puerto Rico and to the Secretary of State no later than forty-eight (48) hours after the general canvassing is completed. The Governor, in turn, shall certify the results to the President and to the Congress of the United States and to the Legislature of Puerto Rico.

Section 28.- The funds appropriated to the Commonwealth Election Commission to defray the expenses of holding the Plebiscite provided by this Act, shall be distributed in the following manner:

- (1) To organize and carry out
the plebiscite\$4,700,000
- (2) For the orientation and information
campaign expenses provided in
Section 8 of this Act.....\$1,350,000
- (3) For the expenses of the political
parties and any group, organization or entity
certified or selected to represent one of the
formulas, to be divided in equal parts among them,
including the payment of transportation of electors
who need to go to vote within the same precinct or
municipality where they are registered, and the
organization and supervision of said
transportation.....\$2,700,000
- TOTAL.....\$8,750,000

The monies appropriated herein shall originate from the item appropriated and accounted for in custody of the Office of the Budget and Management to defray the costs of the holding of the Plebiscite on the Political Status of Puerto Rico.

Section 29. Act No. 1 of December 23, 1966, known as the "Plebiscite Act of 1967" is hereby repealed.

Section 30. If any clause, paragraph, section or part of this Act were declared unconstitutional by a Court of competent jurisdiction, the judgment rendered to such effect shall not affect or invalidate the remaining provisions of this Act. The effect of said judgment shall be limited to the clause, paragraph, section or part of the Act declared unconstitutional.

Section 31. This Act shall take effect immediately after its approval.

Mr. DE LUGO. We will hear from Senator Rigau now and then we will have questions for the witnesses.

STATEMENT OF HON. MARCO A. RIGAU

Mr. RIGAU. Mr. Chairman, members of the Committee, Mr. Serrano, once again we come here. Once again, we testify before you concerning the relationship of Puerto Rico with the United States. We still have the opportunity to think and act on the political status of Puerto Rico.

During the last 40 years, inaction and incoherent actions by Congress are slowly drifting the United States and Puerto Rico into a critical situation. Congress is painting the United States into a corner.

Dependence on the transfer of Federal funds grows every year, both in Puerto Rico's budget and mentality. Reliance on incentives that create investments and jobs in Puerto Rico are unilaterally crippled by Congress, as the present situation of Section 936 of the Internal Revenue Code in the pending legislation before Congress illustrates.

It is a paradox that, while the United States leaders are correctly trying to cut the deficit of the budget, nothing is being done to try to assist Puerto Rico to develop a less dependent and more self-sufficient economy, while maintaining, at least, the present living standard in Puerto Rico.

We congratulate Congressman José Serrano. The House Concurrent Resolution 94 provides all of us with the opportunity to develop a rational approach to tackle the issue of the status relationship between Puerto Rico and the United States before we reach the bottom half of the ninth inning.

From 1989 to 1991 the people of Puerto Rico, our three political parties and their respective presidents, the President of the United States and the U.S. House of Representatives acted as times required. We cannot say the same of the United States Senate. They just did not deliver. They balked.

One of the most distinguished Members of the Senate, not a participant in that mishap, Senator Daniel Patrick Moynihan, acknowledged this in his last book, "Pandemonium," when he states:

"The United States Government is caught up with this seemingly intractable problem of resolving the status of Puerto Rico, a prize of colonial war taken from Spain in 1898. Despite the urging of President Bush that Congress provide for a referendum which will enable the citizens of Puerto Rico to make such a choice, Congress has not been willing to do so. Congressional resistance arises largely from the question of whether the island should have the option to choose statehood while retaining Spanish as an official language."

The legislative assembly of Puerto Rico has just enacted legislation for a plebiscite on November 14, 1993. The delegation of our party, the Popular Democratic Party, voted against that measure both in the Senate and the House because we disagree with many of its imposed and unfair provisions.

Nevertheless, I am not here to discuss our disagreements with Governor Rossello or his party. That might make happy those in the United States or Puerto Rico who would rather procrastinate

the issue of the status of Puerto Rico forever, regardless of the best interests and cost for both of our countries.

We will participate and win in the plebiscite. There, we will discuss our differences.

Here, in Washington, we seek your commitment to try to engage the United States political branches, Congress and the executive, to make real our right to self-determination. It can only be done with a process of mutual determination. And also you have to try to engage the Committee members who are not representing the affiliated islands, so we have more participation which is our program always in this process.

H.Con.Res. 94 wants Congress to reaffirm the commitment of the U.S. to the principle of self-determination. We all agree it should be done. If we do not have a process to make it a reality, we might end up with the same lip service we have obtained for four decades, without any results.

This is what I think should be done:

One, it is essential for Congress to respond with a fast-track procedure to the petition to be made by the people of Puerto Rico in the proposed November 14 vote on political status. Article 27 of the Plebiscite Law provides that the result of the plebiscite will be sent to Congress and to the President of the United States. The law states that the result of the plebiscite should be treated as a petition to the U.S. Government for a redress of grievances, as provided for by Article I of the Bill of Rights of the U.S. Constitution.

The Defense Department, the State Department, the Treasury, Interior, Justice and many others who can provide intelligence in this process should do so, of course with due respect to the democratically elected officials in our democratic society.

Even for those who still keep close to their hearts the geopolitical concepts of Captain Alfred T. Mahan, this process can provide to accommodate and protect their interests. But, as a brilliant politician from Arkansas said, I don't think it is the proper function of the military to determine or decisively influence our national priorities.

The importance, urgency and the need to solve the matter in your hands now was well taken by the former Director of Latin American and Caribbean Affairs on the National Security Council from 1977 to 1981, Robert Pastor. He wrote:

"The United States will have taken the first step out of the Latin American whirlpool when it demonstrates the political will and the respect necessary to resolve the status issue with the people of Puerto Rico." Whirlpool: U.S. Foreign Policy Toward Latin America and the Caribbean. Page 220.

We believe that Mr. Pastor's statement should be the policy of this administration and this Congress while you are in office and can make it a legacy for our countries and the hemisphere.

Two, if we are to achieve the goal required by the Democratic party platform that such process should be implemented in concert with Congress, H.Con.Res. 94 should be amended to add items that should correspond to text based on sections 5, 6 and 7 of H.R. 4765 of the 101st Congress, 2nd session, thus treating the petition of November 14 through the process approved unanimously by the House in 1990.

Three, there is something else that cannot be ignored. We have always supported the right of all Puerto Ricans to participate in all plebiscites, referendums or any process where the future of Puerto Rico is at stake. We cannot discriminate against our people who are not living in Puerto Rico today. Congress can legislate, if it wants to, and provide for the participation in any process under U.S. or Puerto Rico's law where the status of Puerto Rico is being voted upon.

Four, we are aware that in the decisionmaking process to coordinate a policy for this administration on the insular areas, many players will have their input. That is the way it should be. For that reason, a Cabinet Council on Insular Affairs should be created at the White House level. H.R. 6117 of the 102nd Congress provides for a good model that can be created.

Mr. DE LUGO. Thank you very much, Senator Rigau.

[Prepared statement of Mr. Rigau follows:]

TESTIMONY BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS OF THE COMMITTEE OF NATURAL RESOURCES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES ON THE HOUSE CONCURRENT RESOLUTION 94 SUBMITTED BY CONGRESSMAN SERRANO REGARDING THE EXPRESSION OF SELF-DETERMINATION BY THE PEOPLE OF PUERTO RICO, JULY 13, 1993.

MARCO ANTONIO RIGAU *MM*

Senator (Popular Democratic Party-At Large)
Senate of Puerto Rico
San Juan, Puerto Rico

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

ONCE AGAIN, WE COME HERE. ONCE AGAIN, WE TESTIFY BEFORE YOU CONCERNING THE RELATIONSHIP OF PUERTO RICO WITH THE UNITED STATES. WE STILL HAVE THE OPPORTUNITY TO THINK AND ACT ON THE POLITICAL STATUS OF PUERTO RICO.

DURING THE LAST FORTY YEARS, INACTION AND INCOHERENT ACTIONS BY CONGRESS ARE SLOWLY DRIFTING THE UNITED STATES, AND PUERTO RICO, INTO A CRITICAL SITUATION. CONGRESS IS PAINTING THE UNITED STATES INTO A CORNER.

DEPENDANCE ON THE TRANSFER OF FEDERAL FUNDS GROWS EVERY YEARS, BOTH IN PUERTO RICO'S BUDGET AND MENTALITY. RELIANCE ON INCENTIVES THAT CREATE INVESTMENTS AND JOBS IN PUERTO RICO ARE UNILATERALLY CRIPPLED BY CONGRESS, AS THE PRESENT SITUATION OF SECTION 936 OF THE INTERNAL REVENUE CODE IN THE PENDING LEGISLATION BEFORE CONGRESS ILLUSTRATES.

IT IS A PARADOX THAT WHILE THE UNITED STATES LEADERS ARE CORRECTLY TRYING TO CUT THE DEFICIT OF THE BUDGET, NOTHING IS BEING DONE TO TRY TO ASSIST PUERTO RICO TO DEVELOP A LESS DEPENDANT, AND MORE SELF SUFFICIENT ECONOMY, WHILE MAINTAINING, AT LEAST, THE PRESENT LIVING STANDARD IN PUERTO RICO.

WE CONGRATULATE CONGRESSMAN JOSE SERRANO. THE HOUSE CONCURRENT RESOLUTION 94 PROVIDES ALL OF US WITH THE OPPORTUNITY TO DEVELOP A RATIONAL APPROACH TO TACKLE THE ISSUE OF THE STATUS RELATIONSHIP BETWEEN PUERTO RICO AND THE UNITED STATES, BEFORE WE REACH THE BOTTOM HALF OF THE NINTH INNING.

FROM 1989 TO 1991 THE PEOPLE OF PUERTO RICO, OUR THREE POLITICAL PARTIES AND THEIR RESPECTIVE PRESIDENTS, THE PRESIDENT OF THE UNITED STATES AND THE U.S. HOUSE OF REPRESENTATIVES ACTED AS TIMES REQUIRED. WE CANNOT SAY THE SAME OF THE UNITED STATES SENATE. THEY JUST DID NOT DELIVERED. THEY BALKED.

ONE OF THE MOST DISTINGUISHED MEMBERS OF THE SENATE, NOT A PARTICIPANT IN THAT MISHAP, SENATOR DANIEL PATRICK MOYNIHAN ACKNOWLEDGED THIS IN HIS LAST BOOK PANDEMONIUM, WHEN HE STATES:

...THE UNITED STATES GOVERNMENT IS CAUGHT UP WITH THIS SEEMINGLY INTRACTABLE PROBLEM OF RESOLVING THE STATUS OF PUERTO RICO, A PRIZE OF COLONIAL WAR TAKEN FROM SPAIN IN 1898. ...DESPITE THE URGING OF PRESIDENT BUSH THAT CONGRESS PROVIDE FOR A REFERENDUM WHICH WILL ENABLE THE CITIZENS OF PUERTO RICO TO MAKE SUCH A CHOICE, CONGRESS HAS NOT BEEN WILLING TO DO SO. CONGRESSIONAL RESISTANCE ARISES LARGELY FROM THE QUESTION OF WHETHER THE ISLAND SHOULD HAVE THE OPTION TO CHOOSE STATEHOOD WHILST RETAINING SPANISH AS AN OFFICIAL LANGUAGE." (P. 73)

THE LEGISLATIVE ASSEMBLY OF PUERTO RICO HAS JUST ENACTED LEGISLATION FOR A PLEBISCITE ON NOVEMBER 14, 1993.

THE DELEGATION OF OUR PARTY, THE POPULAR DEMOCRATIC PARTY, VOTED AGAINST THAT MEASURE BOTH IN THE SENATE AND THE HOUSE, BECAUSE WE DISAGREE WITH MANY OF ITS IMPOSED AND UNFAIR PROVISIONS. NEVERTHELESS, I AM NOT HERE TO DISCUSS

OUR DISAGREEMENTS WITH GOVERNOR ROSSELLO OR HIS PARTY. THAT MIGHT MAKE HAPPY THOSE IN THE UNITED STATES OR PUERTO RICO WHO WOULD RATHER PROCRASTINATE THE ISSUE OF THE STATUS OF PUERTO RICO FOREVER, REGARDLESS OF THE BEST INTERESTS AND COST FOR BOTH OF OUR COUNTRIES.

WE WILL PARTICIPATE AND WIN IN THE PLEBISCITE. THERE, WE WILL DISCUSS OUR DIFFERENCES.

HERE, WE SEEK YOUR COMMITMENT TO TRY TO ENGAGE THE UNITED STATES POLITICAL BRANCHES, CONGRESS AND THE EXECUTIVE, TO MAKE REAL OUR RIGHT TO SELF DETERMINATION. IT CAN ONLY BE DONE WITH A PROCESS OF "MUTUAL DETERMINATION".

II. CON. RES. 94 WANTS CONGRESS, TO "REAFFIRM" THE COMMITMENT OF THE U.S. TO THE PRINCIPLE OF SELF DETERMINATION. WE ALL AGREE IT SHOULD BE DONE. IF WE DO NOT HAVE A PROCESS TO MAKE IT A REALITY, WE MIGHT END UP WITH THE SAME LIP SERVICE WE HAVE OBTAINED FOR FOUR DECADES, WITHOUT ANY RESULTS. THIS IS TO BE DONE:

(1) IT IS ESSENTIAL FOR CONGRESS TO RESPOND WITH A FAST-TRACK PROCEDURE TO THE PETITION TO BE MADE BY THE PEOPLE OF PUERTO RICO IN THE PROPOSED NOVEMBER 14 VOTE ON POLITICAL STATUS. ARTICLE 27 OF THE PLEBISCITE LAW PROVIDES THAT THE RESULT OF THE PLEBISCITE WILL BE SENT TO CONGRESS AND TO THE PRESIDENT OF THE UNITED STATES. THE LAW STATES THAT THE RESULT OF THE PLEBISCITE SHOULD BE TREATED AS A PETITION TO THE U.S. GOVERNMENT FOR A "REDRESS OF GRIEVANCES", AS PROVIDED FOR BY ARTICLE I OF THE BILL OF RIGHTS OF THE U.S. CONSTITUTION.

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THE DEFENSE DEPARTMENT, THE STATE DEPARTMENT, THE TREASURY, INTERIOR, JUSTICE AND MANY OTHERS WHO CAN PROVIDE INTELLIGENCE IN THIS PROCESS SHOULD DO SO, OF COURSE WITH DUE RESPECT TO THE DEMOCRATICALLY ELECTED OFFICIALS IN OUR DEMOCRATIC SOCIETY.

EVEN FOR THOSE WHO STILL KEEP CLOSE TO THEIR HEARTS THE GEOPOLITICAL CONCEPTS OF CAPTAIN ALFRED T. MAHAN, THIS PROCESS CAN PROVIDE TO ACCOMMODATE AND PROTECT THEIR INTERESTS. BUT, AS A BRILLIANT POLITICIAN FROM ARKANSAS SAID "I DON'T THINK IT IS THE PROPER FUNCTION OF THE MILITARY TO DETERMINE OR DECISIVELY INFLUENCE OUR NATIONAL PRIORITIES".

THE IMPORTANCE, URGENCY AND THE NEED TO SOLVE THE MATTER IN YOUR HANDS NOW, WAS WELL TAKEN BY THE FORMER DIRECTOR OF LATIN AMERICAN AND CARIBBEAN AFFAIRS ON THE NATIONAL SECURITY COUNCIL, FROM 1977 TO 1981, ROBERT PASTOR. HE WROTE:

"THE UNITED STATES WILL HAVE TAKEN THE FIRST STEP OUT OF THE LATIN AMERICAN WHIRLPOOL, WHEN IT DEMONSTRATES THE POLITICAL WILL AND THE RESPECT NECESSARY TO RESOLVE THE STATUS ISSUE WITH THE PEOPLE OF PUERTO RICO" (WHIRLPOOL: U.S. FOREIGN POLICY TOWARD LATIN AMERICA AND THE CARIBBEAN. (P. 220).

WE BELIEVE THAT MR. PASTOR'S STATEMENT SHOULD BE THE POLICY OF THIS ADMINISTRATION AND THIS CONGRESS, WHETHER YOU ARE IN OFFICE AND CAN MAKE IT A LEGACY FOR OUR COUNTRIES AND THE HEMISPHERE.

(2) IF WE ARE TO ACHIEVE THE GOAL REQUIRED BY THE DEMOCRATIC PARTY PLATFORM THAT SUCH PROCESS SHOULD BE IMPLEMENTED "IN CONCERT" WITH CONGRESS, H. CON. RES. 94 SHOULD BE AMENDED TO ADD ITEMS THAT SHOULD CORRESPOND TO TEXT BASED ON SECTIONS 5, 6, AND 7 OF H. R. 4765 OF THE 101st. CONGRESS, 2d. SESSION, THUS TREATING THE PETITION OF NOVEMBER 14 THROUGH THE PROCESS APPROVED UNANIMOUSLY BY THE HOUSE IN 1990.

(3) THERE IS SOMETHING ELSE THAT CANNOT BE IGNORED. WE HAVE ALWAYS SUPPORTED THE RIGHT OF ALL PUERTO RICANS TO PARTICIPATED IN ALL PLEBISCITES, REFERENDUMS OR ANY PROCESS WHERE THE FUTURE OF PUERTO RICO IS AT STAKE. WE CANNOT DISCRIMINATE AGAINST OUR PEOPLE WHO ARE NOT LIVING IN PUERTO RICO TODAY. CONGRESS CAN LEGISLATE, IF IT WANTS TO, AND PROVIDE FOR THE PARTICIPATION IN ANY PROCESS, UNDER U.S. OR PUERTO RICO'S LAW WHERE THE STATUS OF PUERTO RICO IS BEING VOTED UPON.

(4) WE ARE AWARE THAT IN THE DECISION MAKING PROCESS TO COORDINATED A POLICY FOR THIS ADMINISTRATION, ON THE INSULAR AREAS, MANY PLAYERS WILL HAVE THEIR INPUT. THAT IS THE WAY IT SHOULD BE. FOR THAT REASON A CABINET COUNCIL ON INSULAR AFFAIRS SHOULD BE CREATED AT THE WHITE HOUSE LEVEL. H. R. 6117 OF THE 102nd. CONGRESS PROVIDES FOR A GOOD MODEL THAT CAN BE CREATED.

Mr. DE LUGO. I want to note the Committee has been joined by the gentleman from Pennsylvania, Congressman Austin Murphy, a valued member of this Committee and the Full Committee and one who is very knowledgeable on insular areas. He has lived and worked in my district and was a constituent of mine for many years when I was in the local legislature.

Senator McClintock-Hernández, the resolution would declare that the people of Puerto Rico have the right to decide the island's political status. Should the Congress pass it?

Mr. MCCLINTOCK-HERNÁNDEZ. There is not the same sense of urgency this time around as we believe there was back in 1979 for the Moynihan-Corrado resolution.

If no hidden messages are included by amendment into the resolution, it doesn't create any problems, but I tend to agree both with the Secretary of State and with the Resident Commissioner that it is really up to us to take up the issue at this time.

I was involved between 1989 and 1991 in the previous process. I think we got the message clear from Congress that it is really up to the people of Puerto Rico to get the ball rolling first. I think that was the mandate to the people in the 1991 referendum in Puerto Rico which we won by a landslide. It was a mandate for the people in the 1992 elections, and it is the way that the majority party is acting in Puerto Rico in the legislature at this time.

Nevertheless, it goes without saying that the simple fact that Congressman Serrano has drafted and submitted his resolution and provoked this open discussion of issues that need to be discussed is an extremely important part of the process, perhaps even more important than the approval of the resolution itself.

Mr. DE LUGO. Senator, what will the implications for plebiscite and statehood be if this resolution is blocked?

Mr. MCCLINTOCK-HERNÁNDEZ. It would provide hay for our opponents in Puerto Rico to try to create the impression that Congress has opposed approving this resolution because they are not willing to abide by the will of the people and they are not willing to respond to what the people in Puerto Rico want.

I think that the amount of the mines that you find in the harbor on the way to passage for this resolution are so many and are so not related to the political status of Puerto Rico that it would be very unfair to color it that way. It would definitely provide people in Puerto Rico who oppose statehood the opportunity to say the Serrano Resolution was either defeated or not approved because Congress wants to keep things as they are—they are in favor of commonwealth. That is the spiel that has been sold so many times in the past, and the people of Puerto Rico little by little are accepting less every time.

Mr. DE LUGO. Senator Rigau, you made an excellent points about what should be done to resolve this issue which, which you quote Senator Moynihan as saying, seems to be intractable. You also quoted Senator Moynihan's explanation as to why Congress did not act between 1989 and 1991, as being reluctance to pre-commit to the statehood.

My question is this: Could Congress morally do anything less than act on implementing statehood if it passed this resolution and statehood was the clear choice of the people of Puerto Rico?

Mr. RIGAU. It seems American troops walked into Puerto Rico, Americans telling the people of Puerto Rico that they arrived there to bring the blessings of liberty and democracy.

I would think that Puerto Ricans are entitled to be told straight, either now or after the referendum. The only problem is if it is after the referendum you might not have the problem because statehood might not win and I don't think it is going to win. That is why I always prefer to be before.

But, in any case, I believe that the people of Puerto Rico should be told the truth one way or the other, with the condition—I am not saying, for example, that if statehood wins—I know Governor Romero mentioned that he thinks it is going to take three years. Well, then Congress should say so.

What is totally unacceptable is to maintain the people of Puerto Rico in the shallows at the mercy of whatever the local politicians in Puerto Rico want to say, selling pie in the sky. I think the most important thing that Congress can do is to call it as it is.

I respect the majority rule of the people from Puerto Rico. I don't have that problem. I have my preference. But what I think is completely unacceptable is the lip service that every American politician says that we are going to respect whatever you decide and then the thing stays in committees.

Mr. DE LUGO. I have one final question I would like to ask and then we will move on because we have a lot of other Members here and other witnesses.

Senator Rigau, would you explain your vision of free association and how it is different?

Mr. RIGAU. I have no problems in doing that, although I came here to discuss the process, and not substance. But I have no problems in doing that.

At this stage, I will answer your question, but I don't think that at this stage we should engage ourselves in the content of formalizing it because Congress is not defining formulas. At this stage of the game what we are seeking is some sort of commitment from everybody to put on a process that will lead the people of Puerto Rico and the U.S. Government toward solving this intractable problem.

Basically answering your question—

Mr. DE LUGO. I think you make a good point. I will withdraw the question.

Mr. RIGAU. I am not afraid of venturing into that debate, but the minute I walk into the debate of what is better and how it should be done, then we put aside the other thing. What we are doing is, we fall prey of those who don't want to solve the problem.

Mr. DE LUGO. I withdraw my question.

Let me recognize Mr. Romero.

Mr. ROMERO-BARCELÓ. Welcome. Good afternoon. I really don't have any questions for Senator McClintock. He is what you would call a friendly witness, definitely.

Mr. RIGAU. So am I.

Mr. ROMERO-BARCELÓ. I do have a couple of questions, Senator Rigau, regarding a statement in your testimony as to the crippling by Congress of the Section 936. You recognize, different from other witnesses who support commonwealth, that there is no fiscal autonomy in Puerto Rico.

Mr. RIGAU. I recognize the fact that Congress is legislating unilaterally for Puerto Rico. That is one of the main reasons why I am in politics, if not the main reason. For me, it is unacceptable that Congress legislate unilaterally for Puerto Rico, whether it is through the territorial clause or whether it is through the compact.

In either case, I don't agree to giving consent to Congress to run our lives. One partner cannot run the other partner any way he wants. To take the territorial clause as to how this case decides, that is unacceptable.

Now there is a disagreement among the circuits. The whole thing is up in the air. I think that Congress has the political responsibility. Any change should be agreed by both sides. It affects the economy in Puerto Rico and for me that is a unilateral change of our conditions.

Mr. ROMERO-BARCELÓ. Here again I hear this 300,000.

Mr. RIGAU. Or 100,000. Regardless of the number—some, many.

Mr. ROMERO-BARCELÓ. There is no evidence of any numbers at all. There is no evidence that any one will leave. That is what they say. It is scare tactics.

For the people of Puerto Rico, isn't it basically whether we should remain as citizens or not?

Mr. RIGAU. No, that is not the issue. The citizenship relationship is a personal relationship. The issue is the relationship of the body politic of Puerto Rico with the body politic of the United States. The citizenship is one of the items on the agenda.

Again, I have no problems in entering into this conversation with you and answer any questions you might have, but I want to remind you that my main objective here is to try to see that this Committee helps to engage the House, the Senate, and executive branch into facing the reality of the established parliament in Puerto Rico. I have no problems in answering the questions, but I don't want to sidetrack my main objective.

Mr. ROMERO-BARCELÓ. Is it unless we take the first step in Puerto Rico we will not force the Congress to do it?

Mr. RIGAU. That is a possibility. That is why we are going to participate. I think the best way would have been a commitment by Congress. That did not function for many reasons and we are not going to now go into historical interpretation. But the reality is that that did not function and the plebiscite, even with all its defects, is a process where we can go and get a mandate.

Now, once we get the mandate in Puerto Rico, we have to do something with it, something that the law does not provide. Because the law now doesn't have a commitment, doesn't have any funds allocated. If Mr. McClintock and his party decide not to enact the legislation, we will have no formal process of trying to get that mandate into a reality. So I think that is why it is important to make a reality the mandate of the people of Puerto Rico, that I believe is a sense of the Congress should be enacted here.

Mr. ROMERO-BARCELÓ. What I see behind all your statements here is that for some reason or other you are trying to take Puerto Rico out of the political process. This is a political process. The only solutions are political.

So if statehood wins, which we believe is going to happen, then we will take care of that in Congress. If commonwealth wins, which

I don't think is going to happen, then you have your campaign for 1996 to win and then implement it. Because you cannot expect some people who don't believe in what you are proposing to implement it for you and to do the job for you because it is not going to happen.

So, the only way to do that is with political reality. The same thing that happened in 1967 when we had the plebiscite, there is no commitment to do anything about statehood once it happened. So we have to move ourselves, the statehooders, and the ones who believe in commonwealth have to move themselves. Nobody is going to move for you.

There is a feeling that I sometime feel frustrated when I see that so many people from Puerto Rico think that somebody else has to do something. We won't achieve anything until we do the things. Now, at least that would take care of our problem. You take care of your problem. We are just going to consult and let the people say what they want.

If that ever happened, what you dream is going to happen, it would be a very comfortable position for the next three years, politically, very, very comfortable. There is no problem with that. You have the opportunity.

Mr. RIGAU. I agree with you in two aspects. It is a political process. And I think the people of Puerto Rico do not have to wait for Congress. I agree with you. Now, nevertheless, it is a political process where two parties are involved, Puerto Rico and the United States. It is a political process that we cannot force Congress to do something. We can convince them.

I think the Serrano Resolution is in a way a measure, if we approve this measure, whoever wins can come to Congress and tell them, look, there is a sense of the Congress here, you just enacted, not a Congress in 1979, not President Carter, but there is a sense of the Congress enacted a few months ago saying you are going to tell the people of Puerto Rico yes or no and why.

That doesn't mean we are seeking the United States to solve our problems. We have to do our job, as you said, and I agree with you completely. That doesn't mean that if Congress doesn't move we are not going to move. We should move in Puerto Rico.

What I am saying is that when we come to Washington, if this sense of the Congress resolution is now enacted and approved, whoever wins can come here and tell them, look this is only a few months old. As you said, whoever wins will try to move forward his different status option. I want to make perfectly clear that I will respect whatever the decision of the people of Puerto Rico is.

Mr. ROMERO-BARCELÓ. I think we are all in that position, the respect I mean. But to implement it is something different.

Mr. RIGAU. But I am not going to put any mines in the road. I am going to respect them and I think we should not interfere in the process of allowing them, whoever wins, to come to Congress and to tell Congress and to get the political branches of the United States to respond to the people of Puerto Rico or to any other of the affiliated islands in the same situation.

Mr. ROMERO-BARCELÓ. I can tell you from my short experience here in Congress, whether these resolutions are passed by Congress or not, I have no doubt that whatever the will of the people

of Puerto Rico—particularly the will of the people to move for statehood—there is a very, very, very good reception here in Congress for it. There is no doubt about that.

Mr. RIGAU. Let's hope you are not eliminated, then, because that was not the case in the past.

Mr. ROMERO-BARCELÓ. It has been my experience, more so every day.

Mr. DE LUGO. The gentleman from Guam.

Mr. UNDERWOOD. No questions.

Mr. DE LUGO. The gentleman from Pennsylvania, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

As one who comes from Pennsylvania and has achieved some distance from our great neighbor and friends in Puerto Rico, I wanted to say to you, Senator, that I was formerly a Senator from the State of Pennsylvania. I might say in that regard oftentimes in the State legislature we felt the Federal Government also was passing a lot of laws we had nothing to say about.

I don't suppose Puerto Rico is really in any different situation from any of the other 50 States because what we pass here is intended to assist and help your States and in your case the Commonwealth.

I feel as an individual Member of this Congress I would like to do for all Americans in Puerto Rico what our Americans in Puerto Rico would like us to do. I would like you to determine the political status, the political level that you would prefer. I do have some fear, perhaps more than Congressman Barceló, that we may not be as rapid here in Congress to respond to your majority.

I was one of the advocates a few years ago, as my Chairman knows, to delineate a non-retractable type of resolution that would indicate if you had a plebiscite that Congress would be bound by the result. We, were then, of course, alternately accused that if we passed such a plebiscite and promised statehood it would aid the statehood party and if we promised commonwealth status and defined what it would be we would be helping the commonwealth party and that maybe whatever we did would help the independence movement. So, it is really a catch-22, in my view.

If you decide you would like to be a State, you may be assured that Murphy of Pennsylvania will vote for statehood. If you decide otherwise, I may be a little disappointed, but I will abide by that.

The reason I say disappointed is I believe my fellow Americans in Puerto Rico should have the same status as the Americans in Alaska or Pennsylvania or anywhere else. That is my own personal opinion.

Let me ask both of you, what happens if Congress does not immediately respond to your plebiscite? You are going to have it in November, right?

Mr. MCCLINTOCK. November 14.

Mr. MURPHY. And following that, if both of you are quite confident in the outcome, as it should be in politics, but what happens if Congress fails to respond in 1994 to your plebiscite? How does that—I don't want anything to adversely affect our, what I feel has been great association for almost 100 years. What happens?

Mr. MCCLINTOCK. When we were considering the plebiscite law, Mr. Rigau's party proposed a fast track request to Congress which

would give Congress, according to the two versions, six months or 13 months to respond to Puerto Rico's petition for political status change based on the referendum results.

Mr. MURPHY. Or else.

Mr. MCCLINTOCK. Or else nothing. Colonies cannot say or else.

Mr. MURPHY. It would void the plebiscite.

Mr. MCCLINTOCK. Supposedly it would void the plebiscite. To put such a fast track requirement is really unfair on statehood. If that fast track requirement of 13 months had been in place for the other 37 States, only Illinois would have been admitted into the Union, because only Illinois took 11 months to get into the Union after their first vote. Every other territory took a longer period of time. New Mexico took 65 years. Illinois, 11 months. All the other ones were somewhere in between. But the normal process to be admitted into the Union is not the fast track process. It is not the one where Congress responds within a year or within a year and a half. It usually takes longer than that.

Now, when the territory senses that Congress is dragging its feet, as it has sensed that in the past, there is a fast track procedure that history provides, it is called the Tennessee Plan. It is a plan that Tennessee put into place back in the late 1790s and which six other territories used after that with great success. And it is after they have given Congress a chance to react and they have not, Tennessee and other territories then held congressional elections and elected their congressional delegation and sent them to knock on the doors of Congress, and in all those cases it accelerated the process. It gave a certain amount of fast track to the admission process.

So history already provides Puerto Rico with a fast track procedure that does not require creating new and different and distinct procedures.

Mr. MURPHY. You will send us up five Romero-Barcelós, five all at once?

Mr. MCCLINTOCK. No, we would be sending seven in addition to—

Mr. MURPHY. Seven.

Mr. RIGAU. There are not seven like him.

Mr. MURPHY. Not seven like him.

Mr. RIGAU. That would be an overdose.

Mr. DE LUGO. Is that a promise or a threat?

Mr. MURPHY. Sounds like a threat to me, Mr. Chairman.

Mr. MCCLINTOCK. We would be sending him and somebody else to the upper body and we would be sending six people here, eight in total.

Mr. RIGAU. Mr. Murphy, concerning your question and your statement, I should state the following. The law providing for the plebiscite in its Statement of Motives states that, and I quote, "The exercise of the inalienable right of Puerto Rico to self-determination to vote is a right internationally recognized," et cetera.

That was approved by the majority party that Mr. Romero and Mr. McClintock belongs. That is not the language you would use for the people of Pennsylvania. It is language when you talk of a country.

See, Puerto Rico is not a piece of land with U.S. citizens. Puerto Rico is a country. It is a nation. Miss Universe was not elected representing the United States, she was representing Puerto Rico in a contest of other nations. We compete internationally as a nation.

Now, the problem here is that the rules that should be made have to respect both the American constitutional system and the international community, which the United States is a member of and abides by, it's true. So that is why when you consider the case of Puerto Rico, you have to consider it from both points of view, from the point of view of the American system and the point of view of the international community.

Only if we find solutions, be it in statehood, as an option, be it independence, or as an association of countries, which is our, what we call in English "commonwealth," which is much better in Spanish, it should be a free associated state in English, but we have to meet both rules in the process, in all the process.

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. DE LUGO. I thank the gentleman from Pennsylvania, and at this time let me recognize the gentleman from New York, who is the author of the resolution, for any questions or any comments that he would like to make at this time.

Mr. SERRANO. Thank you, Mr. Chairman.

Just, first of all, a couple of clarifications. Both of you, Senators, were part of the committee that put the bill together.

Mr. RIGAU. That is correct.

Mr. MCCLINTOCK. Correct.

Mr. SERRANO. It was my understanding that whatever option won would become the petition of the legislature in Puerto Rico to Congress. But that is not what I heard from the Resident Commissioner this afternoon.

Mr. RIGAU. That is the way it is. In the Statement of Motives it says by virtue of the first amendment of the Constitution of the United States, the American citizens, residents in Puerto Rico, have a right to peacefully assemble and petition the government for a redress of grievances.

If the people of Puerto Rico are going to give a mandate requesting a redress of grievances to the U.S. Government, it has to be to Congress and to the President.

Mr. MCCLINTOCK. Yes, Congressman, what happens is the following: Originally, the bill that was filed by Governor Rossello in the legislature provided for the creation of a negotiating committee that would be constituted by members of the party representing the formula that won the plebiscite after the plebiscite. During the hearings, it was made clear to us by members of the opposition parties that the six to one majority that the opposition party has in Puerto Rico's Supreme Court, five of whose members normally vote in a very partisan fashion, would declare the plebiscite law unconstitutional if we provided for mechanisms and funds after the plebiscite process to provoke a change in Puerto Rico's political status.

To avoid that Jurassic juridical mine field, we chose to eliminate, against our own wishes, every aspect in the bill which could be grabbed by these dinosaurs in the Supreme Court, and I say it in a joking fashion, to try to grab on to the bill and bring it down and

declare it unconstitutional. So the bill that was enacted is not exactly as how we would have preferred for it to be enacted.

And then we are in the difficult situation that the opposition tells us if you do this, the Supreme Court will declare it unconstitutional. So when we take it out they say, you see, the bill doesn't have teeth in it. We pulled the teeth out of the bill precisely to avoid constitutional problems, although we would have preferred for the teeth to be in there.

Mr. SERRANO. I have tried to stay on the subject of the resolution, although I have heard today, once again, that when it comes to the island, it is almost impossible to do. Whatever item is placed on the table will be a discussion of the seven available formulas. It might be eight.

Mr. MCCLINTOCK. You are not surprised.

Mr. SERRANO. I am slightly surprised at what I have caused. I thought it was a simple resolution, really.

So what you are telling me, then, is that—

Mr. DE LUGO. You are only the father of this.

Mr. SERRANO. It is amazing what sometimes you can do without realizing it. History will have to determine how much I knew was going to happen.

So what you are telling me, just for my clarification again, is that if one of the two formulas not represented in the governing party wins, then the people we may recognize as having self-determination rights will not have any legal means within the island's government to self determine here in Congress?

Mr. MCCLINTOCK. Yes, they would.

Mr. SERRANO. They would?

Mr. MCCLINTOCK. If in 1990 we had held a plebiscite in Puerto Rico and the statehood party was in the minority and we had won that plebiscite, statehood by—

Mr. SERRANO. In all respects it would have been sanctioned by Congress.

Mr. MCCLINTOCK. A nonsanctioned plebiscite had been held and we would have won that plebiscite, statehood would have won that plebiscite, I can assure you that the statehood party would have funded a process here in Washington to get Congress to get the ball rolling on statehood.

We would have not required public funds. We would have enjoyed having public funds if we could, but we would have not required it, and the momentum that that vote would have given us would have carried us pretty far. It would also have provided for us to win the 1992 elections if we started that process.

If commonwealth or independence won the 1993 plebiscite, which we don't envision that to happen, the intrinsic value of the result itself will be such that they could set up shop here in Washington and get, try to get things rolling. The problem is that in the case of commonwealth, what would they come and ask for and reasonably expect to get approved? Because they have been for 41 years trying to get changes in the commonwealth and they have not been able to get one single change in commonwealth status.

Mr. RIGAU. Petition is a petition is a petition, and the Statement of Motives starts by mentioning that this is a petition. The mandate of the plebiscite is a petition to the U.S. Government.

Now, the problem here is that 50 percent of the people in the majority party in Puerto Rico were afraid of losing the plebiscite, therefore, they did not provide for a process after the plebiscite. And, also, that it shows because they don't provide for an absolute minority, they leave it open for a plurality. The other 50 percent is afraid of winning it because they are not willing to seek a fast track. They don't want to know from Congress an answer.

The problem here is we are going to have an exercise in Puerto Rico. What is Congress, that it has been duly notified, is going to do? Nothing? Or at least approve a sense of the Congress, which is what you are seeking, and which I think the people of Puerto Rico should congratulate you immensely.

You know you were born in Mayaguez; I was born in Boston. I am a Senator in Puerto Rico and you are a Member of the House in the United States.

Mr. SERRANO. You should not be allowed to vote in that plebiscite.

Mr. RIGAU. You see? You see? But we are both equally, equally, Puerto Ricans.

Mr. SERRANO. Just one quick question on this and then a quick other comment.

Senator Rigau, on a personal level, do you feel that Governor Rossello is committed to bringing in conversations before Congress any of the other two options if they should win?

Mr. RIGAU. I would like to think yes. I have no reasons, and I have to be—I could attack Governor Rossello here and make some political points inside my party. You know, inside the parties they always love when you are attacking politicians of the other party, but I want to give Governor Rossello all the benefits of the doubt and I want to disagree with him in what we have to disagree and not attack him unnecessarily. And at this stage I don't think I should say that he will not respect the majority will of the people of Puerto Rico.

Mr. SERRANO. Just one last comment. Senator McClintock, you did mention your father, and trust me, those of us who are for the absentee or the nonresident vote are not against your father voting. What we have always said is in addition to American citizens, although if it was a really true and fair and just plebiscite, American citizenship would not be the basis for departure, but being that what it is, in addition to those American citizens who live in Puerto Rico, those of us that were born. So it has never been the intent of anyone that supports my position on the absentee vote.

Mr. MCCLINTOCK. I am aware of that.

Mr. RIGAU. Let me mention that section 3 of the bill unanimously approved by this House provides for a nonresident Puerto Rican to vote. That is not a new thing. It was unanimously approved by this House.

Mr. MCCLINTOCK. What I would like to mention is, when I mentioned my father's case, I was not speaking as to your proposal nor, for example, to Senator Rigau's proposal in the legislature, I was talking about strict interpretation of international law.

Strict interpretation of international law only provides for nationals to vote in a plebiscite. And the interpretation that Congressman Gutierrez has been giving, the strict interpretation of

international law, blind to this process, would be similar to the one that the bar association of Puerto Rico presented in their hearings in Puerto Rico when I presented my father's case. They said, your father would not be able to vote because he was not born in Puerto Rico.

So in the case of strict interpretation of international law, people like my father, who have lived in Puerto Rico for many more years than I have, would not be entitled to vote because he is not a national in the international, strict international sense of the word.

Mr. RIGAU. Mr. Chairman, on this issue of international law, a national is someone born in a place or someone who is a son of a mother and a father born in that place residing abroad, or someone who voluntarily becomes part of that place. His father is a national of Puerto Rico because he married a Puerto Rican, he has Puerto Rican children, he has lived in Puerto Rico for I don't know how many years. How many years?

Mr. MCCLINTOCK. Forty-one years.

Mr. RIGAU. Forty-one years. Where it says his father is not a national of Puerto Rico, it is really denying the right of a person to really select a country as his patriate. And I think Puerto Rico, for Mr. McClintock's father, is his patriate, as it is for me.

Mr. ROMERO-BARCELÓ. I wanted to make a clarification of something said by Mr. Rigau, that the bill that was approved unanimously by the House in—1990?

Mr. DE LUGO. 1990. October of 1990.

Mr. ROMERO-BARCELÓ. 1990, said that they instructed the Puerto Ricans who did not live in Puerto Rico could vote. I would just merely authorize the parties in Puerto Rico, if they reach a consensus, to establish a system by which people who do not reside in Puerto Rico can vote.

Mr. RIGAU. I said provided for.

Mr. ROMERO-BARCELÓ. But it is misleading in the statement and I wanted to make it accurate for the record.

Mr. SERRANO. See, he knew everybody was going to agree.

Mr. DE LUGO. Well, the Chair certainly wants to thank these two young able Senators for their contributions here today and we have enjoyed the exchange.

We have another fine panel coming forward at this time, Dr. Miriam J. Ramirez de Ferrer, President of Puerto Ricans in Civic Action; Carlos Gallisa, who is the Secretary General of the Puerto Rican Socialist Party; Benny Frankie Cerezo, who is the President of the Puerto Rican Statehood Forum, and an eminent attorney; and Arthur J. Guzman, co-chairman, IDEA of Puerto Rico.

Let me welcome you all here today before this Committee.

Each of you has been allotted a specific time to make your presentation. All statements, without objection, will be placed in the record at this point and you may proceed with summarizing, in the interest of time. Our first witness will be Dr. Ramirez de Ferrer.

PANEL CONSISTING OF DR. MIRIAM J. RAMIREZ DE FERRER, PRESIDENT, PUERTO RICANS IN CIVIC ACTION; CARLOS GALLISA, SECRETARY GENERAL OF PUERTO RICAN SOCIALIST PARTY; BENNY FRANKIE CEREZO, PRESIDENT, PUERTO RICAN STATEHOOD FORUM; AND ARTURO J. GUZMAN, CO-CHAIRMAN, INSTITUTE FOR THE DEVELOPMENT, EQUALITY, AND ADVANCEMENT OF PUERTO RICO (I.D.E.A. OF PUERTO RICO, INC.)

STATEMENT OF DR. MIRIAM J. RAMIREZ DE FERRER

Dr. RAMIREZ DE FERRER. Thank you very much, Mr. Chairman.

I would like to open my statement saying our organization supports the resolution being discussed here today and also supports the celebration of a plebiscite on November 14. However, we feel that the implementation of any process of self-determination in Puerto Rico must consider and address certain fundamental issues.

First of all, all processes have mainly provided and focused on the participation of the three political parties in Puerto Rico leaving out the participation of citizen's groups. This is a serious mistake. It gives the wrong impression that only those who vote with the New Progressive Party support statehood; that everyone who votes with the Popular Democratic Party supports commonwealth, and that everyone in the Independence Party supports independence.

The three political parties in Puerto Rico are embroiled daily in a constant bitter partisan dispute over every imaginable issue keeping the people divided and permanently involved in strong partisan discussion regardless of whether there are any elections at all.

This aggressive partisan political environment overcomes the feelings of the voters who might end up more motivated to vote for the victory of his or her party and not for the real preference as to the final status of Puerto Rico. This bitter political antagonism between the members and followers of the different political parties when added to a process designed to force people to associate and identify with a specific party and its leaders in order to support a specific status option is a threat and danger to a true process of self-determination of the people of Puerto Rico.

Second, the bill provides that each party define, at their whim, the definitions of their status option. This could impair the process and the result of the plebiscite. Right now although four months away, the leaders of the different political parties are claiming the same benefits for their options and refuting that they be used by the other parties to define their options. As a result, voters in Puerto Rico are faced with the Popular Party's definition of commonwealth, which pretends to assure irrevocable permanent United States citizenship, permanent union with the United States, full participation in Federal programs, permanence of section 936, and many attributes of an independent republic, such as not having to pay Federal taxes. They also insist that their proposed status will be excluded from the territorial clause.

The Independence Party assures United States citizenship, social security benefits, and some form of association to the United States, much to the chagrin of other pro-independence sectors. The

New Progressive Party is worried about convincing the voters of whether they will be able to speak Spanish and participate in world Olympics or international beauty contests.

Senator Bennet Johnston summed up our concern the best way possible. He said: "What does the word 'independence' say about citizenship? About social security? About military bases? What does the word 'statehood' tell you about section 936? About the Spanish language? About Federal programs? And what does the word 'commonwealth' tell you about sovereignty? About the permanence of the relationship? About citizenship?"

These are not extraneous details. They are the core issues dictating the choice. A vote by the people of Puerto Rico without an understanding of the meaning and consequences of their choice would be worse than meaningless. It would be mischievous with a lack of commitment by the Congress.

Therefore, we insist that Congress has a moral obligation with its United States citizens of Puerto Rico to clarify what basic rights, as they appear in the U.S. Constitution, apply to each status option. We need to know if the United States citizenship, a permanent union with the United States, full participation in the Federal system and full United States constitutional rights can be guaranteed under commonwealth, statehood or independence.

We strongly request that the language of H.Con.Res. 94 be amended to incorporate the definitions of these issues as established by the GAO report of June 1991. These important clarifications will help educate the voters about what they are voting for in November. We also propose the first paragraph of H.Con.Res. 94 be amended to add after the word Constitution: "while residing in the territory of Puerto Rico."

However, it is not Congress or the people of Puerto Rico who up to now have controlled our right to self-determination, although not everyone is willing to admit that. It is one of the best kept secrets in town. Those that benefit from section 936 prefer to have Puerto Rico remain as a colony and as far as possible from becoming a State.

Perhaps this congressional hearing should have been held at the board rooms of corporations whose power and control over our lives, destiny, and political processes have become evident and obvious during the last six months. They wish to make us believe they are concerned about our right to self-determination, but when we see them helping and defending the special tax treatment given to the rich corporations, it is clear to us our right to self-determination is totally captive in this web of special interest. That is not the kind of help we need.

We would like to see that some of the energy and effort used to defend section 936 be used to push Congress for a true process of self-determination and for equal treatment for our people in programs such as Medicaid, Medicare, Aid to Dependent Children, and Social Security Supplemental Income. However, there is no way that Congress will consider treating us as equal while Fortune 500 corporations do not pay taxes.

Those of us who sincerely care about Puerto Rico must pool our efforts to achieve equal rights for our people, and not worry about the consequences to those companies who will have to pay taxes.

We also wish to add there is increased relevance on the issue of Puerto Rico at the United Nations, and in two days we will testify at the U.N. Decolonization Committee and uphold Resolution 1541 XV, which recognizes statehood as an option. It is difficult for a pro-American organization to admit that the United States has sustained 3.5 million of its own citizens in Puerto Rico as a colony.

The phenomenon of a colony in the twentieth century is of growing concern to the international community. The idea of a colony system is inconceivable in times of liberty and self-determination. Under the guise of claiming that the issue of self-determination concerns only the people of Puerto Rico, the United States and Congress have neglected and ignored their moral obligation to address this problem adequately and provide all the necessary steps and efforts so that a true process of self-determination can take place. This includes a moral obligation of the United States to inform its citizens in Puerto Rico what each of the options represent, and the formal pledge to accept the people's will.

Mr. DE LUGO. Thank you very much.

[Prepared statement of Dr. Ramirez de Ferrer follows:]



PUERTORICANS IN CIVIC ACTION
PUERTORRIQUEÑOS EN ACCION CIUDADANA

Miriam J. Ramirez de Ferrer MD
 President

Hearings on Concurrent Resolution #94
 Natural Resources Committee
 July 13, 1993

Testimony by:
 Miriam J. Ramirez de Ferrer MD
 President, Puerto Ricans in Civic Action

Honorable Chairmen and members of this Committee:

For the past nine years, our organization has come to Washington with great hope and faith that Congress would act on the issue of self determination for the United States Citizens in Puerto Rico.

With great efforts and sacrifices, we brought petitions, we visited with many members of Congress, with many staff members, and with many Administration officials. We have held seminars and we have also testified in all hearings held regarding Puerto Rico.

On July 4th, 1993, the Governor of Puerto Rico signed a bill to provide for a plebiscite on the status of Puerto Rico on November 14, 1993. This was the main element of the platform of the present governing party during the last elections. This issue was motivated by the suggestion of certain members of Congress, that the government of Puerto Rico take the initiative to hold a status plebiscite.

This will be the third time within the last 18 months that the will of the people regarding their status preference is gaged. In the 1991 referendum the people of P.R. clearly and overwhelmingly expressed their rejection of separation from the United States, and reaffirmed their United States citizenship with its corresponding rights, duties and obligations.

Then, in the last general elections, the New Progressive Party, with a promise to achieve statehood, clearly won two thirds of all seats in the Legislature, most Municipalities, the Governor's seat and Resident Commissioner.

We feel that the implementation of the process of self determination in Puerto Rico must consider and address certain fundamental issues.

FIRST OF ALL, the processes have mainly provided and focused on the participation of the three political parties in P.R. leaving out the participation of citizen's groups.

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July 13, 1993 - Natural Resources Committee
Hearings on Concurrent Resolution #94
Testimony by: Miriam J. Ramirez de Ferrer MD,

This is a serious mistake. It forces people in Puerto Rico, Congress and others in the U.S. to assume that only those who vote for the New Progressive Party support statehood, that everyone in the Popular Democratic Party supports commonwealth, or that people who vote for the Independence party only believe in independence.

The three political parties are embroiled daily in a constant bitter partisan fight, over every imaginable issue, keeping the people in Puerto Rico divided and permanently involved in strong partisan discussion, regardless of the date of the elections.

This aggressive partisan political environment and struggle overcomes the feelings of the voters who might end up voting for the victory of his or her particular party and not for his real preference as to the final status of P.R.

This bitter partisan division between the members and followers of the different political parties, when added to a process which is designed to force people to associate and identify with a specific party and its leaders in order to support and approve a specific status option is a threat and danger to a true process of self determination of the people of Puerto Rico.

The SECOND serious concern we have is that if you depend only on each political party to define, at their whim, the definitions of each status option, it could impair the process and the result of the plebiscite.

We have stressed our concern on this issue strongly during all status hearings where we have participated.

At the present time, four months away from the plebiscite, the leaders of the different political parties are claiming the same benefits for each of their options and refuting that they belong to the other options.

The voters in Puerto Rico are being faced with the Popular Party's definition of commonwealth which pretends to assure irrevocable permanent United States citizenship, permanent union with the United States, full participation in Federal Programs, permanence of Section 936, and many attributes of an independent republic such as not having to pay United States taxes. This same party approved unanimously that their proposed relationship with the United States will be excluded from the Territorial Clause of the United States Constitution.

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July 13, 1993 - Natural Resources Committee
Hearings on Concurrent Resolution #94
Testimony by: Miriam J. Ramirez de Ferrer MD.

The Independence Party assures United States citizenship, Social Security benefits and some form of association to the United States, much to the chagrin of other pro-independence sectors.

The statehooders, worry more about convincing the voters on whether they will be able to speak Spanish and participate in World Olympics or International beauty contests.

Senator Bennett Johnston's words on January 23, 1991, as they appear in the Congressional Record, Vol. 137, No. 15: sums up our concern in the best way possible:

"What does the word "independence say about citizenship; about Social Security; about military bases? What does the word "statehood" tell you about Section 936; about the Spanish language; about Federal programs? And what does the word "commonwealth" tell you about sovereignty; about the permanence of the relationship; about citizenship?

These are not extraneous details. These are the core issues which dictate the choice. A vote by the people of Puerto Rico without an understanding of the meaning and consequences of their choice would be worse than meaningless. It would be mischievous with a lack of commitment by the Congress."

Therefore, we insist that Congress has a moral obligation with the United States citizens in Puerto Rico to clarify what basic rights, as they appear in the United States Constitution, apply to each status option.

Congress must clarify and affirm how the following items are affected by each status option. We cannot depend on the local political parties of Puerto Rico to define how the United States Constitution applies to each status option. Prior to our vote. We need to know if.....

THE UNITED STATES CITIZENSHIP; A PERMANENT UNION WITH THE UNITED STATES; FULL PARTICIPATION IN THE FEDERAL SYSTEM; FULL UNITED STATES CONSTITUTIONAL RIGHTS;... are guaranteed under Commonwealth, Statehood, and Independence.

These issues have already been clearly addressed, studied, and discussed by the General Accounting Office report of June 1991, "REPORT TO THE RANKING MINORITY MEMBER, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, U.S. INSULAR AREAS: APPLICABILITY OF RELEVANT PROVISIONS OF THE U.S. CONSTITUTION."

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July 13, 1993 - Natural Resources Committee
Hearings on Concurrent Resolution #94
Testimony by: Miriam J. Ramirez de Ferrer MD,

We strongly request that the language of House Concurrent Resolution #94, which is being discussed here, be amended to incorporate the definitions of these issues as established by the GAO report of June 1991. These important clarifications will help the United States citizens in Puerto Rico know what they are voting for in November.

We also propose that the First Paragraph of CR#94 be amended to add after the word Constitution: " while residing in the territory of Puerto Rico."

Our experiences these years have taught us that it is not really Congress or the people of Puerto Rico who up to now have controlled our right to self determination. Our future and the possibility of self determination depends on the economic interests of the Fortune 500 corporations who benefit from the multimillionaire tax expenditure called Section 936. Everyone should realize that the right to self determination of the people of Puerto Rico is totally captive in this web of special interests.

But not everyone is innocent and honest about this issue. It is the best kept secret in town that it is in the best interests of those who benefit from Section 936 that Puerto Rico remain as a colony, and, of course, as far as possible from statehood, which would eliminate their tax haven.

So, why do some people up here spend a lot of effort to give the impression that they are concerned about the self determination of the people of Puerto Rico while at the same time help and protect these Fortune 500 corporations whose interests are precisely threatened by a process of self determination for our people?

If anyone here in Congress is honestly concerned about the people of Puerto Rico, what we urgently need is another kind of help. What we would like to see is that some of the energy and effort used to defend Section 936 be used to push Congress for a true process of self determination and for equal treatment for our people in programs such as Medicaid, Medicare, Aid to Dependent Children, and Social Security Supplemental Income.

Our right to self determination is webbed right into this complete scenario. There is no way Congress will even consider treating us as equal while Section 936 Fortune 500 corporations are not paying taxes to the Federal government. Those of us who sincerely care about P.R. must pool our efforts to achieve equal rights for our people, even if some Fortune 500 companies will have to pay taxes.

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July 13, 1993 - Natural Resources Committee
Hearings on Concurrent Resolution #94
Testimony by: Miriam J. Ramirez de Ferrer MD,

Perhaps these Congressional hearings or any others regarding the issue of self determination for the United States citizens in Puerto Rico should be held in the Board Rooms of the Fortune 500 corporations who benefit from Section 936 and whose power and control over our lives and final destiny has become very evident and obvious during the last six months.

The phenomenon of a colony in the twentieth century, no matter how adorned, is of growing concern to the International Community. The idea of a colony is inconceivable in times of liberty and in times of self determination.

There is increased relevance on the issue of Puerto Rico at the United Nations and in two days, we will testify at the UN Decolonization Committee Hearings and uphold Resolution 1541 XV, which recognizes statehood as a status option. It is difficult for a pro-American organization to appear before said committee and admit that the United States has sustained 3.5 million of its own United States citizens in Puerto Rico as a colony.

Under the guise of claiming that the issue of self determination concerns only the people of Puerto Rico, the United States and Congress have neglected and ignored their moral obligation to address this issue adequately and provide all the necessary steps and efforts so that the process of self determination be a true one. This includes the moral obligation of the United States to inform its United States citizens in Puerto Rico what each of the options represent, and the formal pledge to accept the people's will.

Mr. DE LUGO. The next witness is the Secretary General of the Puerto Rican Socialist Party, Carlos Gallisa.

STATEMENT OF CARLOS GALLISA

Mr. GALLISA. Mr. Chairman and members of the Committee, I must begin by confessing that I have my doubts over the purposes of the resolution presented by Congressman Serrano. I do not believe the resolution is just directed to express the sense of Congress. If this were the case, we would have to ask what this expression by Congress could resolve?

We Puerto Ricans are tired of hearing from the United States Presidents, Senators, Congressmen, the Department of State and from practically everybody in Washington that they favor the right to self-determination of the Puerto Rican people.

From President Eisenhower in his famous 1953 message to the United Nations in which he stated that independence would be granted by the United States if the Puerto Rican people were to ask for it, to George Bush, they have all told us that they respect the will of the people of Puerto Rico and that they are in favor of self-determination for the Puerto Rican people.

Yet, history has been very different. The facts contradict the words. All the expressions regarding Puerto Rico's self-determination have been pure rhetoric. Under President Carter, the United States Senate approved a similar resolution to this one. Former Resident Commissioner Baltasar Corrada del Rio also presented to this Committee a resolution to the same effect and nothing has happened to make us see that Congress or the White House have done anything to guarantee and ensure our right to self-determination.

On the contrary, as recently as 1991, the U.S. Congress closed the doors on all discussions on Puerto Rico when it refused to define a policy to decolonize Puerto Rico. In the United Nations, the United States Government has consistently blocked every effort of the decolonization committee to guarantee the right of self-determination to the Puerto Rican people. In fact, for 40 years the United States Government has been telling the United Nations that the Puerto Rican people exercised its right to self-determination in 1952 with the creation of the so-called Free Associated State, wrongfully translated to commonwealth.

Given the history, what is the purpose of this resolution? From its text and the press release that accompanied it last December, we conclude this resolution is closely related to a so-called plebiscite that will be held next November in Puerto Rico. If the idea is to imply that the Puerto Rican people will be exercising its right to self-determination at that time, then I have to say that this resolution is deceiving.

Not even the Puerto Rican Government, nor the opposition parties that will participate in the November event have dared to define this event as being an exercise in self-determination. Among the participants themselves there are expressions to the effect that what is to occur in November does not even fulfill the requisites of a plebiscite, let alone a process of self-determination.

The United States refuses to accept that it is a colonial power and Congress ignores its responsibility of facing the colonial prob-

lem of Puerto Rico. Under these circumstances, the resolution means very little or nothing, taking into consideration the colonial reality that has oppressed the Puerto Rican people for 98 years.

Besides, the resolution is misleading because in its first "whereas," it signifies that the Puerto Rican problem is one of natural born citizens of the United States that do not enjoy all of the individual rights and liberties accorded to other American citizens under the United States Constitution.

That is not the problem of Puerto Rico. Puerto Rico is not a civil rights issue under the United States Constitution. Our problem is one of colonialism, classical colonialism of a nation, and I repeat, a nation, which is Caribbean and Latin American, with 500 years of history, invaded, occupied and politically and economically dominated by the United States since 1898.

When the resolution expresses the problem of Puerto Rico as one between first and second class United States citizens, it commits the serious error of not recognizing Puerto Rico as a nation. Mr. Serrano, in that respect, adopts the position of the statehooders of Puerto Rico which present the Puerto Rican problem as one of United States citizens that are discriminated against.

Before being made United States citizens, we Puerto Ricans had already been invaded and had been a United States colony for 19 years. The human civil rights problems we face is the result of colonialism and not of discrimination as United States citizens. In fact, we are United States citizens as a result of an imposition under the colonial rule.

I recommend Congressman Serrano eliminate the first "whereas" and focus the case of Puerto Rico in its proper perspective, which is the colonial perspective.

The United States Congress uses as an argument to maintain its rule and its supreme authority over the Puerto Rican people, the territorial clause of the United States Constitution, which gives Congress the authority to administrate and dispose of the territories and other United States properties. While Congress maintains the power and authority over Puerto Rico, no matter how you call the status of Puerto Rico, this status will be a colonial status.

In this regard, I believe the contribution that Congressman Serrano should make in order to face the problem appropriately is to present a resolution for the United States, first, to dispose of the Puerto Rican territory; second, recognize the sovereignty of the people of Puerto Rico; and, third, specifically Congress to surrender its authority under the territorial clause. Then, and only then, the Puerto Rican people can exercise its right to self-determination; that is, freely and voluntarily choose the political formula under which our people would like to organize itself.

Any action taken by this, the United States Congress, that falls short of this will simply be more rhetoric and hollow expressions. That is the case of this resolution. It does nothing to change the sad and desperate reality of the Puerto Rican people living under colonial rule.

Thank you very much.

Mr. DE LUGO. Thank you, Mr. Secretary General.

[Prepared statement of Mr. Gallisa follows:]

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Néstor Nazario-Presidente

STATEMENT BY CARLOS GALLISA
SECRETARY GENERAL
PUERTO RICAN SOCIALIST PARTY (PSP)
BEFORE THE SUB COMMITTEE ON INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES OF THE UNITED STATES

Mr. Chairman and members of the Committee:

I must begin by confessing that I have my doubts over the specific purpose of the Resolution presented by Congressman Serrano, which today is the object of this Committee's discussion.

I do not believe that it is merely a matter of an expression of the sense of Congress. If this were the case we would have to ask what this expression by Congress would resolve. We Puerto Ricans are tired of hearing from United States presidents, senators, congressmen, the Department of State and from practically the whole of the United States Government, that they favor the right to self determination of the Puerto Rican people. From President Eisenhower, in his famous 1953 message to the United Nations, in which he stated that independence would be granted by the United States if the Puerto Rican people were to ask for it, through George Bush, they have all told us Puerto Ricans that they would respect the will of the Puerto Rican people and that they are in favor of self determination for the Puerto Rican people.

Yet, history has been very different. The facts contradict these words, and all the expressions regarding Puerto Rican self determination have been pure rhetoric. Under President Carter the United States Senate approved a similar resolution. Former Resident Commissioner Baltasar Corrada del Rio also presented to this Committee a resolution to the same effect and nothing has happened to make us see that Congress, the White House or the Department of State, have done anything to guarantee and ensure our right to self determination.

On the contrary, as recently as 1991 the U.S. Congress closed the doors on all discussions of the case of Puerto Rico when it refused to define a policy regarding Puerto Rico that would lead to the decolonization of what is the last colony on this planet.

In the United Nations the United States Government has consistently blocked every effort of the Decolonization Committee to guarantee the right of self determination to the Puerto Rican people.

In fact, for forty years the United States Government has told the United Nations that the Puerto Rican people exercised its right to self determination in 1952 with the creation of the Free Associated State.

Given this history, what is the purpose of this Resolution? From its text and the press release that accompanied it last December 7, 1992, we conclude that it is closely related to a so-called plebiscite that will be held next November 14th in Puerto Rico.

If the idea is to imply that the Puerto Rican people will be exercising its right to self determination at that time. I have to say with all due clarity that this Resolution is deceptive. Not even the Puerto Rican Government, nor the opposition parties that will participate in the November event have dared to define this event as being an exercise in self determination. Among the participants themselves there are expressions to the effect that what is to occur in November does not even fulfill the requisites of a plebiscite, let alone a process of self determination.

The United States Congress should no longer ignore its responsibility of facing the colonial problem of Puerto Rico. The United States refuses to accept that it is a colonial power and that 80% of the human beings still living under colonialism on the planet Earth are under its colonial rule in Puerto Rico.

The Resolution means very little or nothing taking into consideration the colonial reality that has oppressed the Puerto Rican people for what will be 98 years next July 25th.

Besides, the Resolution is misleading because in its first whereas it signifies that the Puerto Rican problem is one of "natural born citizens of the United States (but) that do not enjoy all of the individual rights and liberties accorded to other American citizens under the United States Constitution." This is not the problem of Puerto Rico. What we have here is not a matter of civil rights under the United States Constitution. The problem is one of colonialism, classical colonialism, of a nation, and I repeat, a nation, which is Caribbean and Latin American, with 500 years of history, invaded, occupied and

dominated politically and economically by the United States since When the Resolution expresses the problem of Puerto Rico as one between first and second class United States citizens, it commits the serious error of not recognizing Puerto Rico as a nation. Mr. Serrano in that respect adopts the position of the statehooders of Puerto Rico of Puerto Rico which present the Puerto Rican problem as one of United States citizens that are discriminated against.

Before being made United States citizens, we Puerto Ricans had already been invaded and had been a United States colony for 19 years. The human and civil rights problem we face is the result of colonialism and not of discrimination as United States citizens. In fact, we are United States citizens as a result of an imposition under the of colonial rule.

I recommend Congressman Serrano eliminate the first whereas and focus the case of Puerto Rico in its proper perspective, which is the colonial perspective.

The United States Congress uses as an argument to maintain its rule and its supreme authority over the Puerto Rican people, the Territorial Clause of the United States Constitution, which gives Congress the authority to administrate and dispose of the territories and other United States properties. While Congress maintains this power and authority over Puerto Rico, no matter how you call the status of Puerto Rico, this status will be a colonial status. In this regard, I believe the contribution that Congressman Serrano should make in order to face the problem appropriately, is to present a Resolution For the United States

to dispose of the Puerto Rican territory: recognize the sovereignty of the Puerto Rican people, and specifically surrender its authority under the Territorial Clause. Then, and only then, the Puerto Rican people can exercise its right to self determination, and freely and voluntarily choose the political formula under which our people would like to organize itself.

Any action taken by the United States Congress that falls short of this will simply be more rhetoric and hollow expressions. That is the case with this Resolution. It does nothing to change the sad and desperate reality of the Puerto Rican people living to live under colonial rule.

July 13, 1993

Mr. DE LUGO. And our next witness is Attorney Benny Frankie Cerezo, President of the Puerto Rican Statehood Forum.

STATEMENT OF BENNY FRANKIE CEREZO

Mr. CEREZO. Good afternoon, Mr. Chairman de Lugo, Congressman Romero-Barceló, Congressman Underwood, Congressman Murphy, Congressman Serrano, Mr. Farrow, Mr. Mansur.

My name is Benny Cerezo. I am a lawyer in private practice in San Juan, Puerto Rico, and President of a small think tank, the Puerto Rican Statehood Forum, dedicated to the study of the possibility and the promotion of statehood for Puerto Rico.

I am one of the eight original founders of the New Progressive Party and served as a member of the Puerto Rico House of Representatives as Chairman of its Government Committee and as its Majority Whip. From 1989 through 1991, I served at the request of the Honorable Carlos Romero-Barceló, then President of the New Progressive Party, as Presidential Delegate and Chief Representative of the Puerto Rican Statehood Movement before the different congressional committees considering the possibility of ordering a referendum sponsored by Congress to assist the people of Puerto Rico in determining its future and exercising its inalienable right of self-determination.

Expressing the sense of Congress on the right to self-determination by the people of Puerto Rico entails walking into the centuries' old debate on status. It is like walking into a mine field. The issue is complex by itself.

Puerto Ricans have the right as U.S. citizens to petition statehood, Puerto Rico has the natural right of pursuing its independence, and Puerto Rico also has the right to improve its lot, as much as possible, under the present territorial arrangement of commonwealth, through changes enacted by Congress in the exercise of its responsibilities as a sovereign; changes enacted under its territorial powers.

The concurrent resolution, as drafted by Congressman Serrano, should present no problem to this Congress with a few minor changes, but as the testimonies presented will show, the people of Puerto Rico are looking forward to much more than a mere expression reaffirming its right to self-determination. Representatives of the different political persuasions on the island have testified and will testify not only on the contents of this simple resolution but on their expectations.

The people of Puerto Rico deserve, after 500 years of continuous colonial rule, a fair opportunity to solve this conundrum. In light of this, the least we should expect that Congress not allow its own lack of definition vis a vis this problem to further complicate the mine field.

Some witnesses will come before you, or have already come before you, to request a fast track for the consideration of any proposals drafted by the winning party or by its sympathizers in Congress. This request will be used by the contending parties to promote misinformation on how Congress works and how it will treat the different options and the different requests.

In order to avoid being used as an unwilling ally in the search of votes for any particular cause, Congress should clearly state that

any and all changes should receive a majority endorsement from the people of Puerto Rico. This Congress should avoid becoming trammelled in this mine field and can do so if it clearly states the rules, not necessarily as part of this resolution, but, as a part of this Committee's oversight responsibilities.

Some followers of the independence movement as well as some of the followers of the status quo maintain the theory that a so-called "permanent government" operating in Washington has decided to steer Puerto Rico towards independence due to its cost to the Nation and what they suggest is racism (some even claim that Hamilton Jordan once decried and complained about the aspirations of "3.6 million impoverished, mulatto, U.S. citizens from the Caribbean") a racism such as to annul the aspirations for equality of over 3.6 million U.S. citizens, as expressed by the majority of them.

Congress upon whom the territorial powers are vested, Congress who unilaterally decided in 1917 to grant U.S. citizenship to those born on the island, has a moral responsibility not only to respect the right of self-determination, but to assist the people of Puerto Rico, the U.S. citizens of Puerto Rico, in the determination of their aspirations. Congress cannot, should not continue playing the role of an innocent bystander.

Allow me to walk you through some of the complications and problems in this process. Let us start with commonwealth and the issue of whether Puerto Rico is under the sovereignty of the U.S. or not. Not even the courts, which are supposed to be the arbiters in this dispute, are in agreement. In the First Circuit, since the case of—and in the complete text there is the reference—the First Circuit found that Puerto Rico is a separate sovereign under the double jeopardy clause. Such a view has been subsequently reiterated by them. But as recently as June 4, 1993, the 11th Circuit Court of Appeals disagreed and stated unequivocally, among other things, that all of the changes that Congress has made throughout the years in Puerto Rico, they have "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."

And it continues saying, "Congress may unilaterally repeal the Puerto Rico Constitution or the Puerto Rican Federal Relations Act and replace them with any rules or regulations of its choice."

This legal confusion should not surprise anyone. After all, commonwealth was born out of deceit. Then-Resident Commissioner Antonio Fernos-Isern while testifying on May 16, 1950, before the House Public Lands Committee on H.R. 7674 and S. 3336 (81st Congress), stated that the phrase "in the nature of a compact" "would not alter the powers of sovereignty acquired by the United States over Puerto Rico under the terms of the Treaty of Paris."

That was the official representation made to Congress. By the time the Constitution of Puerto Rico came to Congress for final approval, the advocates of commonwealth had already started promoting the falsity of a compact which Congress cannot supposedly alter unilaterally, a bilateral relationship between two sovereigns. They had stripped Congress of its power over the territory. This led Senator Long to express on May 6, 1952, while discussing the ap-

proval of the Puerto Rico Constitution, and I will quote: "It seems most unfortunate to me that language, 'in the nature of a compact' ever slipped into the act, because that could only lead to complete misunderstanding," end of quote.

Independence proponents meanwhile shied away from dialogue with the powers that be in the executive branch and in Congress, until 1989 when they decided to participate in the effort initiated by Senator J. Bennet Johnston to enact legislation that would solve the issues of Puerto Rico's status by proposing three different alternatives in a level playing field. Eager as we all were and still are to delve into this problem and to solve it, we assisted in the creation of yet another problem, another falsehood, this one with tentative Senatorial blessing: Independence with dual citizenship. In other words, an independent Republic of Puerto Rico in which future generations of Puerto Ricans will keep on counting the blessings of U.S. citizenship and some of the goodies that come with it.

This was enacted in this Senatorial committee under the dual presumption that it was necessary in order to keep the independence followers in the process, and that, after all, it was harmless and academic in light of Puerto Ricans' distaste for independence. So now you have independence proponents campaigning on the island with the benefit of this "harmless" concession "as offered by Congress." More confusion.

Statehood meanwhile is marketed in incredibly parochial and naive terms. Puerto Ricans are being lured into the promised land with the benefits of a discredited welfare state and no emphasis whatsoever on the individual responsibilities of citizenship, nor the realities of this Nation. Puerto Ricans are being led into a big frustration when they face the realities of the American way of life.

Representation, for instance, is made to the continued participation of Puerto Rico in beauty pageants and Olympic athletic activities as a separate entity from the United States. While I understand this to be legally possible, it is unrealistic and absurd. Allow me to give you an innocent example of how unrealistic this issue of status has become. While serving as the statehood's movement's liaison with the Congress, I received a phone call from one of Senator Bill Bradley's principal advisors, who, by the way, is a recent champion of 936 and the government of Puerto Rico, and a good sportsman in his own right, and they had a query. It was, what was the statehood movement's position on Olympic games.

The Senator, who has always been a good friend of Puerto Rico, wanted to know if it was true that statehooders were promising a separate Olympic franchise for the State of Puerto Rico.

During the conversation and argumentation, I did my best to frame the discussion of the issue strictly on legal technicalities, on the legal aspects of whether Congress could legislate on the subject, on the First Amendment and whatnot. The bottom line of the extended and passionate argument was that the Senator would move heavens and earth in order to block such a miscarriage. Puerto Rico was not to join the Union and continue as a separate entity. I left the Senator's office frustrated, but as I have reflected on the experience acquired during those years, I have come to treasure that encounter because it showed me how distant we are from understanding what joining the Nation means, what joining the Na-

tion is. The people of Puerto Rico have to recognize that while our ethnic, cultural and language differences are to be treasured and will perdure, statehood means a union, a real union, for better or for worse, and for always.

That should also be thought out by Congress. The admittance of Puerto Rico as a State is the acceptance of Puerto Ricans as equals and the acceptance of the proposition that the Nation will officially become pluralistic, multilingual, different. It will not be the same. I think it will be a better Nation but you would have to think whether you will like it or not. The powerful Hispanic caucus that will emerge, the powerful network of Hispanics arising out of Puerto Rico's acceptance as an equal will change the Nation forever.

The decision is monumental for both parties. We have to stop playing games and have to start being consistent. You cannot impose citizenship to a people without acquiring the moral duty of granting equality. You cannot come and plea for the goodies of colonial rule, such as the so-called 936 companies right of not paying taxes for monies earned in the territories and simultaneously talk about equality and entering into the Nation on an equal footing with the other States. This is or should be a serious game, not the domain of smart alecks and double talkers.

Congress should finally create the grounds for serious and prompt discussion of these issues. Then we will be ready to undertake the task of lifting both the U.S. and Puerto Rico out of the cesspool of colonialism.

And let me just add my direct comment, Congressman Serrano, who with this resolution, what he is really doing is fighting indifference, the deliberate indifference of many who think that by ignoring the problem of the status of Puerto Rico, it will somehow go away. Believe me, it will not. It will ultimately stain us all. Thank you.

Mr. DE LUGO. Thank you very much, Benny. That was a very impressive statement, very forthright, and I think you certainly put your finger on the service that the Serrano resolution is rendering.

[Prepared statement of Mr. Cerezo follows:]

Testimony presented before the House Subcommittee on Insular and International Affairs, Committee on Natural Resources, July 13, 1993, Washington, D. C. on H. Con. Res. 94.

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My name is **Benny Frankie Cerezo**. I am a lawyer in private practice in San Juan, Puerto Rico and President of a small think tank, **Puerto Rican Statehood Forum**, dedicated to the study of the possibility and the promotion of Statehood for Puerto Rico.

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Expressing the sense of Congress on the right to Self determination by the People of Puerto Rico entails walking into the centuries old debate on status. Walking into a mine field. The issue is complex by itself. Puerto Ricans have the right as U.S. citizens to petition Statehood. Puerto Rico has the natural right of pursuing its Independence and Puerto Rico also has the right to improve its lot as much as possible under the present territorial arrangement of Commonwealth, a term which in Spanish is conveniently translated as Free Associated State, through changes enacted by Congress in the exercise of its responsibilities as a sovereign. Changes enacted under its territorial powers.

The Concurrent Resolution as drafted by Congressman José Serrano (D-N.Y.) should present no problem to this Congress with a few minor changes, but as the testimonies presented will show, the People of Puerto Rico are looking forward to much more than a mere expression reaffirming it's right to self-determination. Representatives of the different political persuasions on the island have testified and will testify

not only on the contents of this simple resolution but on their expectations.⁹

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Congress upon whom the territorial powers are vested, Congress who unilaterally decided in 1917 to grant U. S. citizenship to those born on the Island, has a moral responsibility not only to respect the right of self-determination, but to assist the People of Puerto Rico, the U.S. citizens of Puerto Rico in the determination of their aspirations. Congress cannot, should not continue playing the role of an innocent bystander. ^o

Allow me to walk you through some of the complications and problems in this process. Let us start with Commonwealth and the issue of whether

Puerto Rico is under the sovereignty of the U. S. or not. Not even the courts, which are supposed to be the arbiters in this dispute, are in agreement. In *U.S. vs. López Andino*, 831 F. 2d. 1164 the First Circuit Court of Appeals found that Puerto Rico is a separate sovereign under the Double Jeopardy Clause. Such a view has been subsequently reiterated by them. But as recently as June 4, 1993 the 11th Circuit Court of Appeals disagreed and stated unequivocally: **"Puerto Rico is still constitutionally a territory, and not a separate sovereign."** "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 RICO CONSTITUTION OR THE PUERTO RICAN FEDERAL RELATIONS ACT AND REPLACE THEM WITH ANY RULES OR REGULATIONS OF ITS CHOICE."

This legal confusion should not surprise anyone. After all, Commonwealth was born out of deceit. Then Resident Commissioner Antonio Fernós-Isern while testifying on May 16, 1950 before the House Public Lands Committee on H. R. 7674 and S. 3336 (81st. Congress), stated that the phrase "in the nature of a compact" "would not alter the powers of sovereignty acquired by the United States over Puerto Rico under the terms of the Treaty of Paris". That was the official representation made to Congress, but by the time the Constitution of Puerto Rico came to Congress for final approval, the advocates of Commonwealth had already started promoting the falsity of a compact which Congress cannot alter unilaterally, a bilateral relationship between two sovereigns. The had stripped Congress of its power over the Territory. This led Senator Long to express on May 6, 1952, while discussing the approval of the Constitution :

"it seems most unfortunate to me that language, 'in the nature of a compact' ever slipped into the act, because that could only lead to complete misunderstanding"

Independence proponents meanwhile shied away from dialogue with the

powers that be in the Executive Branch and in Congress, until 1989 when they decided to participate in the effort (1989-1991) initiated by Senator J. Bennet Johnston to enact legislation that would solve the issue of Puerto Rico's status by proposing **three different alternatives in "a level playing field"**. Eager as we all were and still are to delve into this problem and to solve it, we assisted in the creation of yet another problem, another falsehood, this one with a tentative Senatorial blessing : Independence with dual citizenship. In other words, an independent Republic of Puerto Rico in which future generations of Puerto Ricans will keep on counting the blessings of U.S. citizenship and some of the goodies that come with it. This, was enacted under the dual presumption that it was necessary in order to keep the Independence followers in the process, and that, after all, it was harmless and academic in light of Puerto Ricans distaste for Independence. So now you have Independence proponents campaigning on the island with the benefit of this "harmless" concession "as offered by Congress". More confusion.

Statehood meanwhile is being marketed in incredibly parochial and naive terms, Puerto Ricans are being lured into the promised land with the benefits of a discredited welfare state and no emphasis whatsoever on the individual responsibilities of citizenship, nor the realities of this nation. Puerto Ricans are being led to a big frustration when they face the realities of the American Way of Life.

Representation is made, for instance, to the continued participation of Puerto Rico in beauty pageants and Olympic athletic activities as a separate entity from the United States. While I understand this to be **legally possible it is unrealistic and absurd**. Allow me to give you an innocent example of how unrealistic this issue of status has become. While serving as the Statehood Movement's liaison with the Congress, I received a phone call from one of Senator Bill Bradley's principal advisors. The query was on the Statehood movement's position on Olympic Games. The Senator, who has always been a good friend of Puerto Rico wanted to know if it was true that Statehooders were promising a separate Olympic franchise for the State of Puerto Rico.

During the conversation and argumentation I did my best to frame the discussion of the issue on legal technicalities. On the legal aspects of whether Congress could legislate on the subject. On the First Amendment

and whatnot. The bottom line of the extended and passionate argument was that the Senator would move heavens and earth in order to block such a miscarriage. Puerto Rico was not to join the union and continue as a separate entity. I left the Senator's office frustrated, but as I have reflected on the experience acquired during those years, I have come to treasure that encounter because it showed me how distant we are from understanding what joining the Nation means, what joining the Nation is. The People of Puerto Rico have to recognize that while our ethnic, cultural and language differences are to be treasured and will perdure, Statehood means a union, a real union, for better, or worse and for always.

That should also be thought out by Congress. The admittance of Puerto Rico as a State, is the acceptance of Puerto Ricans as equals and the acceptance of the proposition that the Nation will officially become pluralistic, multilingual and different. It will not be the same. I think it will be a better Nation but you have to think whether you will like it or not. The powerful Hispanic caucus that will emerge, the powerful network of Hispanics arising out of Puerto Rico's acceptance as an equal will change this Nation forever.

The decision is monumental for both parties. We have to stop playing games and have to start being consistent. You cannot impose citizenship to a people without acquiring the moral duty of granting equality. You cannot come and plea for the goodies of colonial rule, such as the so called 936 companies right of not paying taxes for monies earned in the territories and simultaneously talk about equality and entering into the Nation on an equal footing with the other States. This is or should be a very serious game, not the domain of smart alecks and double talkers.

This is my message today. Congress should create the grounds for serious and prompt discussion of these issues. Then we will all be ready to responsibly undertake the task of lifting both the United States and Puerto Rico from the cesspool of colonialism.

Mr. DE LUGO. The next witness in this panel is Arturo J. Guzman, Co-chairman of IDEA of Puerto Rico.

STATEMENT OF ARTURO J. GUZMAN

Mr. GUZMAN. Good afternoon.

Mr. DE LUGO. Mr. Guzman.

Mr. GUZMAN. Mr. Chairman and members of the Committee, first of all, I wish to extend my greetings to you, Mr. Chairman, to our Resident Commissioner and to many Members who for countless years have represented their fellow Americans in Puerto Rico in their quest for full constitutional equality as well as in their plight for political self-determination.

To the new Members of this Congress, I can only quote from testimony given this Committee by a colleague in 1986 when he warned that we would keep coming back and back again, and back we are and will be until our present colonial condition is resolved by securing a firm commitment of the Congress that it will finally honor the responsibilities that were accepted by the United States in the 1898 Treaty of Paris.

And if you allow me, I will reread that last sentence. That it will finally honor the responsibilities that were accepted by the United States in the 1898 Treaty of Paris.

This seemingly endless quest in trying to resolve a condition that dates back almost a century has in the course become a question of national integrity. If as a Nation we espouse and defend the cause of self-determination throughout the world, sometimes to the point of bearing arms, is our own Congress incapable of guaranteeing self-determination for 3.5 million American citizens in Puerto Rico and many more in other territories? The historical truth proves a contradiction and that allows us to attach great import to the resolution being considered here today.

However, allow me to remind you once again that this process must be addressed as the individual and collective self-determination of fellow American citizens, not the self-determination of local or national political parties, nor the self-determination of multinational corporations that foster colonialism by placing perks and profit margins above the civil rights of their fellow Americans.

If this resolution is to prove meaningful to self-determination, the Congress must state beyond a doubt the true historical facts of our mutual relationship that allow the people of Puerto Rico to make informed choices for the future. Truths pertaining to the type of American citizenship extended Puerto Ricans from 1917 as being of a different origin than that contemplated by the U.S. Constitution or envisioned by our forefathers for all Americans. Truths such as the fact that the origin of our citizenship is as statutory as our present political condition and equally vulnerable to the unilateral will of the Congress and the powers vested in it by the so-called territory clause.

The truth that in the course of the years, our condition and relationship have transcended from a simple matter of political status to one directly affecting and oftentimes violating the civil rights of American citizens. And truths evidenced in the duplicity of the debate by affirming one thing before the world community and hav-

ing to accept another, the reality, before the Congress and before the Nation.

It is now 1993, shortly before the end of the century and the advent of a new millennium and I am convinced that if the present political condition of Puerto Rico were to be brought to your consideration within the terms of the present definition as it was more than 40 years ago, even if reluctantly, the Congress would have to admit that it no longer meets present day standards for decolonization.

The Congress would almost have to judge it, as I have stated it before, as a question of civil rights of fellow Americans and also, in its implications before the international community, a question directly affecting the national interest and integrity.

But I am not here to look to the past in trying to recriminate or seek admission or much less confession. What is past belongs to history, but the future is ours only if we recognize the past for its lessons and mutually assume our present responsibilities. In that spirit, I come before you with the following specific proposals:

First, it becomes essential that as part of its prologue or as part of the full body of this resolution, you consider incorporating language that defines an exact, specific, and simple terms the nature of the present relationship including its effect upon our citizenship.

Previous hearings in this Committee and the conclusions offered by lengthy research and testimony, have amply and inescapably demonstrated that more than four decades after implementation the present condition is not fully understood by a large segment of the people of Puerto Rico who are expected to vote and change it in the proposed plebiscite.

Past political expediency on the part of individuals and national or local political entities have created such a credibility chasm between the good will of our people, what has been misrepresented as factual, and their inalienable right to know the truth, that it becomes imperative for the Congress to respond directly and prior to the voting.

Secondly, during the public hearings on the federally sponsored plebiscite held by the U.S. House and Senate during 1989 and 1990, it became evidently clear that the definitions provided for some of the status alternatives, most notoriously commonwealth or free associated state, included many aspects which proved beyond the constitutional mandates of the Congress.

Therefore, the Congress must try and prevent a repetition which would result in a complete dislocation of the process by dooming it from the start to an exercise in futility. Your good will in supporting self-determination must not be misrepresented or portrayed to the people of Puerto Rico as a blank check that the Congress will consider options that do not conform to the constitutional mandate, nor that the Congress would be willing to support a constitutional amendment to accommodate a particular status proposal.

In essence, I propose for your conversation that language be included in this resolution that clearly defines the basic parameters of the four models which you would be restrained to consider: incorporated or unincorporated territory, under plenary powers of the Congress within the territory clause; or independence as an indi-

vidual sovereign nation or in free association; and statehood outside the plenary powers of the Congress under the territory clause.

Finally, before you remains a challenge in proving with the open truth that the Congress has made a commitment not to repeat the past by not imposing it upon us as a future. Perhaps on a larger scale, the question will be answered as to how much will does the Congress have in making these truths become self-evident and avoiding the implications of complicity that would inevitably follow as a result of silence.

Thank you, Mr. Chairman.

Mr. DE LUGO. Thank you, Mr. Guzman, and I want to thank all the witnesses for their preparations.

[Prepared statement of Mr. Guzman follows:]

WRITTEN STATEMENT

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

ON H. CONG. RES. 94

SUBMITTED FOR INCLUSION AS TESTIMONY FOR THE RECORD

TO

**THE HOUSE INSULAR AND INTERNATIONAL AFFAIRS SUBCOMMITTEE
ON THE HEARINGS HELD IN WASHINGTON, D.C.**

ON JULY 13, 1993

The Institute for the Development, Advancement, and Equality of Puerto Rico (I.D.E.A. of Puerto Rico, Inc.) is a non-profit corporation, not affiliated to local or national political parties, integrated by private individuals with outstanding professional and academic records for the purposes of research and development on issues pertaining to Puerto Rico.

MR. CHAIRMAN:

I respectfully request that the following statement be included in the permanent record of these Hearings, and that it also be cross-referenced with our previous testimonies before the House Insular and International Affairs Committee on May 22nd, 1986, July 17th, 1986 and March 9th, 1990; as well as our testimony before the Senate Energy and Natural Resources Committee on June 17th, 1989.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

First of all I wish to extend my greetings to Chairman de Lugo and to many of the Committee members who for many years have represented their fellow Americans in Puerto Rico in their quest for full Constitutional equality, as well as in their plight for political self-determination.

To the new members of this Congress, I can only quote from testimony given this Committee by a colleague in 1986 when he warned that, "we would keep coming back and back again". And back we are, and will be, until our present colonial condition is resolved by securing a firm commitment of the Congress that it will finally honor the responsibilities that were accepted by the United States in the 1898 Treaty of Paris.

This seemingly endless quest in trying to resolve a condition that dates back almost a century has in the course become a question of national integrity: If as a Nation we spouse and defend the cause of self-determination throughout the World, sometimes to the point of bearing arms, is our own Congress incapable of guaranteeing self-determination for 3.5 million American citizens in Puerto Rico and many more in other territories?

The historical truth proves a contradiction, and that allows us to attach great import to the resolution being considered here today. However, allow me to remind you once again that this process must be addressed as the individual and collective self-determination of fellow American citizens, not the self-determination of local or national political parties, nor the self-determination of multi-national corporations that foster colonialism by placing perks and profit margins above the civil rights of their fellow Americans.

(2)

If this resolution is to prove meaningful to self-determination, the Congress must state beyond a doubt the true historical facts of our mutual relationship that allow the people of Puerto Rico to make informed choices for the future. Truths pertaining to the type of American citizenship extended Puerto Ricans from 1917 as being of a different origin than that contemplated by the U.S. Constitution or envisioned by our forefathers for all Americans. Truths such as the fact that the origin of our citizenship is as statutory as our present political condition and equally vulnerable to the unilateral will of the Congress under the powers vested in it by the so called "Territory Clause".

The truth that in the course of the years our condition and relationship have transcended from a simple matter of political status to one directly affecting and often times violating the civil rights of American citizens. And truths evidenced in the duplicity of the debate by affirming one thing before the World community and having to accept another, the reality, before the Congress and before the Nation.

It is now 1993, shortly before the end of the century and the advent of a new millennium and I am convinced that if the present political condition of Puerto Rico were to be brought to your consideration within the terms of the present definition as it was more than forty years ago, even if reluctantly, the Congress would have to admit that it no longer meets present day standards for de-colonization.

The Congress would almost have to judge it, as I've stated before, as a question of civil rights of fellow Americans and also, in its implications before the international community, a question directly affecting the national interest and integrity.

But I am not here to look to the past in trying to recriminate or to seek admission or much less confession. What's past belongs to history, but the future is ours only if we recognize the past for its lessons and mutually assume our present responsibilities. In that spirit I come before you with the following specific proposals:

FIRST: It becomes essential that as part of its prologue or as part of the full body of this resolution, you consider incorporating language that defines in exact, specific, and simple terms the nature of the present relationship including its effect upon our citizenship.

(3)

Previous hearings by this Committee and the conclusions offered by lengthy research and testimony, have amply and inescapably demonstrated that more than four decades after implementation the present condition is not fully understood by a large segment of the people of Puerto Rico who are expected to vote and change it in the proposed plebiscite.

Past political expediency on the part of individuals and national or local political entities have created such a credibility chasm between the good will of our people, what has been misrepresented as factual, and their inalienable right to know the truth, that it becomes imperative for the Congress to respond directly and prior to the voting.

SECOND: During the public hearings on a federally sponsored plebiscite held by the U.S. House and Senate during 1989 and 1990 it became evidently clear that the definitions provided for some of the status alternatives, most notoriously "Commonwealth" or "Free Associated State", included many aspects which proved beyond the constitutional mandates of the Congress.

Therefore, the Congress must try and prevent a repetition which would result in a complete dislocation of the process by dooming it from the start to an exercise in futility. Your goodwill in supporting self-determination must not be misrepresented or portrayed to the people of Puerto Rico as a "blank check" that the Congress will consider options that do not conform to the constitutional mandate, nor that the Congress would be willing to support a constitutional amendment to accommodate a particular status proposal.

In essence I propose for your consideration that language be included in this resolution that clearly defines the basic parameters of the four models which you would be restrained to consider: Incorporated or "Unincorporated" Territory, under the powers of the Congress within the "Territory Clause"; or Independence (as an individual sovereign nation or in "Free Association") and Statehood outside the "Territory Clause".

(4)

Finally, before you remains a challenge in proving with the open truth that the Congress has made a commitment not repeat the past by not imposing it upon us as a future. Perhaps on a larger scale, the question will be answered as to how much will does the Congress have in making these truths become self-evident and avoiding the implications of complicity that would inevitably follow as a result of silence.

Mr. DE LUGO. Dr. Ramirez, you noted the debate has largely revolved around the three parties and you have suggested it should not, to the exclusion of other groups. But are not the parties' groups in the focus because they have demonstrated popular support?

Dr. RAMIREZ DE FERRER. I don't understand your question.

Mr. DE LUGO. You have said that the debate on political status and for the plebiscite that is coming up, has largely revolved around the three recognized political parties and you have suggested that this should not exclude citizen groups such as your group. You know, doesn't the support and the focus of these political parties come because they have demonstrated popular political support?

Dr. RAMIREZ DE FERRER. Well, first of all, I think that the fact that citizens' groups are excluded totally from the participation in the electoral commission—we don't have any way of getting rights approved or funding or anything like that—is a mistake, because there are a lot of people in Puerto Rico—let's take the statehood option, which is the one I support and represent. I believe in the other party, particularly in the commonwealth party, there is a lot of people that are statehooders and they do not feel represented by the statehood party. They belong to our group, they work with us, and we would, in all honesty, really would like to see funding given to our group to take care of our education and to participate in the process fully and that is not contemplated.

The way they do it is that the bill says if a political party decides to vote, then a qualifying group would be included, but if not, there is no way to do that. I feel that the fact we delivered 350,000 petitions to Congress gives us standing to qualify as a group that represents statehood, considering the fact the pro-Independence Party doesn't even have that many votes.

Mr. DE LUGO. But didn't you testify before the legislature on this matter and make your case? And isn't there a democratic process in Puerto Rico where the members of the legislature hear the witnesses and those who are elected by the people vote on the issues and bring forward the legislation?

Dr. RAMIREZ DE FERRER. Yes, we testified to this in the legislature. We requested it. We did it before for the referendum of 1991. We have done it in Congress when discussion has gone on on plebiscite, but, apparently, the people who deal with this issue everywhere seem to feel that it is an issue that belongs in the political parties and not to the people.

When they talk about it, they say this is something with the people of Puerto Rico. But I think the language should say this belongs to the parties of Puerto Rico. So we are just so frustrated with it. We keep repeating it, but we don't have any hope for change in the near future.

Mr. DE LUGO. You are not suggesting that the Congress interfere and pass legislation that would mandate the participation and the funding of your group, overriding the action of the duly elected representatives of Puerto Rico?

Dr. RAMIREZ DE FERRER. That is not what I intended when I mentioned it, but I would love for anything like that to happen. Anywhere we could get participation—

Mr. DE LUGO. You would love for something like that to happen?

Dr. RAMIREZ DE FERRER. I want to see us participate fully in the process, with all the funding and all the rights, but at this present time that is not what we are proposing here.

Mr. DE LUGO. You would love to have the Congress intervene?

Dr. RAMIREZ DE FERRER. Oh, yes.

Mr. DE LUGO. In the democratic process in Puerto Rico and impose its will on the duly elected representatives of Puerto Rico?

Dr. RAMIREZ DE FERRER. I believe that Congress has a moral right to intervene in a process of self-determination, and I wouldn't mind at all if that happened.

Mr. DE LUGO. Well, I would find it very offensive to my beliefs and it would wreak with colonialism—I find that rather amazing, Doctor.

Mr. Secretary General, your suggestion for legislation is similar to bills that our colleague, Congressman Ron Dellums, has introduced that have not passed in the House. The status problem persists. The colonial status as you term it.

Now, why shouldn't we all try a process other than a transfer of powers if it results, well, let's say in a vote for independence and it was granted?

Mr. GALLISA. I am not talking about transfer of powers. What I am saying is Congress, first of all, has to accept the reality that Puerto Rico is a colony and Congress has not done so yet.

I asked Senator Bennet Johnston of Puerto Rico in the proceedings at that time, if in the proceedings at that time Congress was accepting that Puerto Rico was a colony, and he didn't answer. And at that time, in three years, between 1989 to 1990 and 1991, nobody in Congress accepted the reality of the colonial situation of Puerto Rico. If Congress does not accept that reality, the problem will never be solved. So that is the first thing I am saying about a process to decolonize Puerto Rico.

The second problem or the second statement I made is that Congress has to surrender its authority of Puerto Rico based on the territorial clause because there will be no self-determination while Congress maintains its supreme authority over Puerto Rico under the territorial clause. The people of Puerto Rico cannot self-determine themselves while Congress maintains the authority of the Puerto Rican people. Free determination by you cannot determine while Congress maintains that control.

And, third, I think that Congress has to look into the international rules of the decolonization. This cannot be an internal matter of the United States. Decolonization is an international matter. It is now, it is now the day after tomorrow there are other hearings on the colonial cause of Puerto Rico. So anything that the United States Government wants to do in terms of decolonizing Puerto Rico, they have to do it in accordance with the international community and that is what the people of Puerto Rico need in terms of negotiation with Congress.

Mr. DE LUGO. And your position is similar to that of those stated earlier today by Congressman Luis Gutierrez?

Mr. GALLISA. In a sense, yes, but I am not talking about the Dellums resolution.

Mr. DE LUGO. The Independence Party and others have suggested that the resolution would provide a service by focusing the attention of the Federal Government on the status issue and that the plebiscite, too, could lead to the necessary and lacking, presently lacking Federal action.

My question is: Aren't these at least reasons to go ahead with this resolution and the plebiscite given the lack of Federal action up to this time?

Mr. GALLISA. I don't think that plebiscite in Puerto Rico, as it has been scheduled to take effect next November, is going to move Congress to anything. According to the political reality of Puerto Rico, I doubt very much that any of the formula will obtain more than 50 percent.

So I think the results of that plebiscite with less than 50 percent for the winning formula and in terms of moving Congress, I think it will exterminate the proceedings here in Congress, because those in the political circles in the United States that decide about Puerto Rico will sustain their position that Puerto Ricans should get together first and come here with a petition and that there is no consensus among the Puerto Rican people at present. I think that is what the plebiscite would show, lack of consensus, lack of majority.

I don't think Congress will move with that plurality vote.

Mr. DE LUGO. Let me ask something: Is it beyond probability that any one political status would get 66 percent?

Mr. GALLISA. No, I don't think so.

Mr. DE LUGO. You don't think it is possible?

Mr. GALLISA. I don't think more than 55 percent is possible. I think all the parties are very much aware of that. That is why in the bill enacting the plebiscite was scratched, the plurality, and it was not included in the majority of the 50 percent plus one.

Mr. DE LUGO. Mr. Secretary General, you are a very sophisticated man. You know the politics and how the political system works. Don't you feel that if one political status got 55 percent, even though it might not mean that there would be an automatic response from the Congress, but wouldn't it force the Congress to begin to seriously address this question of political status for Puerto Rico?

Mr. GALLISA. I think there are other ways that could be more effective. I suggested while the bill was being discussed in the legislature of Puerto Rico, that we should go back to something you mentioned before which is known in Puerto Rico as the La Fort Alissa Accord or agreement which was signed. The letter that was signed by Mr. Barrios, Mr. Hernandez-Colon and Mr. Corrada del Rio, at that time President of the Statehood party.

I think the only way the Congress and the administration can move is if we Puerto Ricans can present a kind of petition for Congress to act, based on a petition of all the political forces in Puerto Rico. I think that can be attained. That is the only way that we can speak to Congress and Washington with one voice and represent the total of the people of Puerto Rico what the plebiscite is going to do.

This so-called plebiscite is dividing more Puerto Ricans. We are going to be more divided after the plebiscite than before the plebiscite. So the plebiscite is not the instrument or the formula to start

the process. The plebiscite should be the last step, not the first step in the decolonization process.

The first step should be to name a committee by the Puerto Rican Legislature or by the Governor of Puerto Rico with representation of all the Puerto Ricans, the political forces to come here to Washington and talk to Congress, petition the Congress and petition the President of the United States to act on the Puerto Rican colonial case. I think that way would be much more effective than starting the proceedings with a plebiscite which nobody is going to win. That is one point.

The second, we have to face reality and the politics of the United States. We have to understand. That is something that was said here before by Congressman Rangel which I think is very important. Mr. Rangel stated this morning that, let's stop telling the Puerto Rican people that Congress will respect whatever the Puerto Rican people decide. That is not true.

If you know the American system, that is not true. If statehood is not a right of the Puerto Rican people, free association is not a right of the Puerto Rican people, the only right that we Puerto Rican people have is independence. Ninety percent of the Puerto Rican people petitioned for statehood and if it is not in the interest of the United States as a Nation, that petition would be denied. I think that is very clear. There is no controversy about that.

The United States decides who belongs to the union. The United States decides on their own interest with whom the United States wants to associate. So we have to speak about this first with the U.S. Government.

Mr. Romero this morning stated that no other territory before had a definition of the options by Congress and that might be true. It is also true that in 1945, President Truman vetoed the Puerto Rican bill to hold a plebiscite in 1945, and the reason for the veto was that Congress had not defined the options of the Puerto Rican people.

There are more than three options because every option has its subdivision. For example, for statehood in Puerto Rican politics, there are three options that have been mentioned. One is the welfare state of statehood. Another is the classical statehood, and another the statehood that is statehood with Spanish culture and Spanish language.

The people of Puerto Rico should know what sort of statehood is available to them and only Congress can tell them.

Second, which kind of statehood is available, and so forth, for the association? So the plebiscite will not move this process. The parties and politics of Puerto Rico prevent a consensus to face this issue. That is our responsibility. We have been talking here about responsibilities of Congress.

We Puerto Ricans have a lot of responsibility in this by being unable to reach a consensus to talk to Washington with only one voice.

Mr. DE LUGO. I want to say to you that it has been very, very interesting listening to what you have said here today. I think this hearing has been very helpful to all those concerned, because I think we come to these hearings and we begin by stating what is politically popular or will strengthen our cause. But as the day

goes on, we put those things aside and we begin to perhaps state a number of hard truths.

That you would cite the effort that was made by the leaders of the three Puerto Rican parties in 1990, I think is absolutely correct. I agree with you that if that could be done at this time, that would be the way to go. But we lost that opportunity.

Let me say what we have then. You had a consensus or you had the leaders putting aside partisan advantage, taking tremendous political risks and putting their country first. That held together through the whole process here in the House. It was very difficult, but they held together.

Do you think it is any small thing to get a bill such as was passed in this House of Representatives unanimously through the House committing the Congress to respond to whatever status the people of Puerto Rico voted on; that the Congress would respond?

That was an historic moment, but it was Puerto Ricans that went over to the Senate side and to the White House and pulled the plug. It was not the Congress that did not respond. It was not the Congress, as you say, that closed the door alone. But, as the process got closer evidently to election time, partisan politics became the order of the day. That was unfortunate.

Now, once again, the people of Puerto Rico are trying. They are trying, the Rossello administration is coming forward with this process. It is not perfect. But I will say this, that it does move the process forward, if there is substantial participation and if there can be a vote that will give some indication that one political process has substantially more political support than the others.

We don't know if that is going to happen. But I would think that if that should happen, it will perhaps move the process forward.

You are right about one thing, you and all of the witnesses who have said it, and I said it in my opening statement, the Cold War is over. Presidents have said again and again that the people of Puerto Rico have the right to determine this themselves and that we would respond.

The United States has gone to the U.N. and said that Puerto Rico is self-governing and that we will respect the decision of the people of Puerto Rico. But, the Congress has not yet. Under our political system, it takes a President not just saying that he will support this or support that, but it takes a President being actively engaged in the battle that is waged in the House, in the pits of the House, on the Floor of the House of Representatives or on the Senate side to get that legislation through.

I am hoping that because the presentations that have been made by José Serrano to President Clinton that this young, vigorous President that we have in the White House with all of the things that he has on his platter, that when the time comes, he will provide the leadership that morally should be provided by our country.

I will say that it is long overdue. I didn't mean to get into a speech or anything like that.

Let me move on to Benny Cerezo who also made a number of statements here which I am sure are not popular with everyone who supports the same political status that he supports.

Mr. Cerezo, you have made a very thoughtful analysis. You referred to the notion of a level playing field among the status op-

tions. Are the options all equivalent choices for the people that can be made available equally? Is that possible?

Mr. CEREZO. Mr. Chairman, when the process started in 1989 in the Senate, and Senator Johnston came forward with this proposal of a level playing field, we all accepted it and I personally didn't understand the problems that this would create. I understood initially that level playing field was in terms of process, in terms of opportunities, of funding, of the same exposure. But it ended up with the Senate committee trying to create a level between three things that are totally different.

So it came out that independence came out of the committee, that is why I called it for your blessing with U.S. citizenship; statehood, even though that statehood is on equal footing, came out with reduced benefits for citizens there, which is laughable in constitutional terms. Commonwealth came out with almost the same benefits because they were just trying to create a level situation.

You know, they were trying to create the same established alternatives and put three different names, three different types, on it. It was all absurd.

That is when the process killed itself. That is when it died. That is when it discredited itself, which was a commendable effort by Senator Johnston which we should praise. Even though I do have this criticism at this stage of the game, I don't want to in any way disdain the immense effort that he put into this process. We should all be grateful for this thing of a level playing field. Other than in the process, it is impossible because we are talking about three different things.

Mr. DE LUGO. Let me say at that point I agree with you. Senator Bennett Johnston made a tremendous contribution because he forced Members to deal with it and many, many things were said that gave not only the people of Puerto Rico but, all of us a clearer picture of what the Members of the Senate, or at least of this Committee, would accept and what they would not and where they stood. So in that sense, it was a tremendous contribution.

My only regret was with that having failed, they did not embrace the approach of the House and make it possible for us to move forward rather than just letting the whole thing die.

Mr. CEREZO. If you would allow me, that was part of the process of the internal politics of Puerto Rico spilling over, not only the 936 lobbying effort that Dr. Rameriz has eloquently expressed here, which is not only the enemy of statehood now, it would be the enemy of independence tomorrow if independence would have a vote, or it would be the enemy of commonwealth if it would somehow make them lose their status.

The problem is that the people of Puerto Rico are now hostages to this 936. Instead of a banana republic we are a pill republic. Instead of having the banana barons, we have the pill barons, the pharmaceutical companies on the island and they fund the war chest of the political parties on the island.

So now you have a party in power in Puerto Rico that is proposing a plebiscite, that is proposing a November 14 plebiscite and the president of that party is right now at this instant walking the halls of Congress lobbying for 936 and not here defending the

rights for self-determination of the people of Puerto Rico. Why? Well, let me tell you a very brief story.

Senator Dorista Rey, the founder of NPP and myself went to Senator J. Bennett Johnston at the end of the whole process. We said, "Why don't you accept an amendment," that was in the last days in 1991, "and somehow incorporate what the House approved?" He said, "You don't have even an agreement among yourselves." I said, "What do you mean?" He said, "Rossella doesn't want it. The new President of the New Progressive does not want the process." And that is it.

You know, it is all the internal politics. There was a process within NPP, the New Progressive Party. Carlos Romero-Barceló, who was committed to statehood, was out. There was a new President who wanted to get ahead of that and it was incompatible to fight for statehood and gaining power and winning elections. So they went the way of winning elections.

Now, since they were the darlings of 936, they are paying their dues to 936 instead of paying their dues to the philosophical inspiration of the party that promoted them which was statehood which is being defended here and not 936.

Mr. DE LUGO. Let me ask a question of Mr. Guzman. You referred to the party's proposals for the different status options as misleading. I hope you will also recall that this Committee and the Senate committees responded to these proposals. Are you, though, suggesting that there should not be a process for resolving the issue without prior Federal definition of the implementation terms of each option?

Mr. GUZMAN. Not at all, sir, no. When I refer to in part of my testimony as this being a process of self-determination, it is a mutual process of self-determination. What I think Mr. Serrano's resolution is not the self-determination of the people of Puerto Rico, because people in a democratic society certainly need not do that in order to be self-determined. This is the self-determination of this Congress.

Nonetheless, in so doing, you also have to take into account what is in the national interest. Is it in the national interests to perpetrate for another 40 years the type of shame that we have had to face year after year after year before the international community by fostering a type of status that no longer conforms, even if it ever did, to parameters for decolonization?

Is it in the national interest that your fellow citizens in Puerto Rico who have no adequate representation in the Congress for voting be sold a bill of goods, a white elephant or a pink elephant under the guise of a status formula that, ahead of the voting, you know that it would never be approved by the Congress.

That is why I say it is very important for you, as part of the language of this bill, that you exercise your duty to your fellow American citizens by saying we as a Congress are limited to the type of political model that we can consider and, as such, have each of the individual formulas pre-qualified.

What I am really talking about, and it has nothing to do with statehood or independence because those are very clear, I would not see the Congress as fulfilling its duty and allowing for a commonwealth, as Mr. Cerezo said earlier, with all of the attributes of

statehood and none of the obligations we know full well ahead of time that would not be allowed by the Congress or would not be within the powers of Congress to exercise.

That is what I mean. This is not intervention by any means. I realize what you said to Dr. Ramirez before, one thing is intervention in a free process of self-determination and another thing is discharging your duties as Congresspersons before, not only your Puerto Rican constituents, but the rest of your constituents in the nation.

Is it also in their best interest to allow a formula that does not meet, as I said before, the constitutional mandate of the Congress? In so doing, in allowing for this, I think we would all be faulting truth.

When Mr. Cerezo talked about a level playing field, I do concur with what he said, but would it not be in the best national interests to have a level playing field insofar that each of the formula that be submitted to the people of Puerto Rico indeed become solutions and not a continuation of the problem? That is my point.

Mr. DE LUGO. Thank you. I want to thank all of you. The hour is getting late but I want to recognize the gentleman from Puerto Rico for any questions he may have of these witnesses.

Mr. ROMERO-BARCELÓ. I will be brief. I only have a couple of questions for Mr. Cerezo. Though I find his testimony very stimulating, I cannot agree with everything. But there are many, many, many parts of it I do agree with. I would like to ask about the intervention regarding sports participation and the other participation, international participation.

You mentioned that it was legally possible, but it is unrealistic and absurd. Whether it is realistic and absurd, and I do think that to raise the issue of sports participation or beauty pageants as a condition for solving one's political status or requiring the right to vote or the right for participation, it is ridiculous. Those two things should not be put at the same level, definitely.

The people have to be informed. And from a legal point of view and Constitutional point of view, do you know of any constitutional section or article that gives the Congress the power to determine how the States will participate in International Olympics or in beauty pageants?

Mr. CEREZO. No, absolutely not. Both Olympics and beauty pageants are strictly private affairs, such as the Rotary and the Lions, and as such, are protected by the First Amendment of the Constitution.

On the contrary, they would enjoy, but still it would be absurd and it is unrealistic for the statehood leadership to be proclaiming that because that is not the truth. My dear friend, it is not the truth. It is unrealistic that we keep on with that pretension of becoming an integral part of the Nation and then being somewhere else competing against the Nation, regardless of whether it is unimportant or not.

Mr. ROMERO-BARCELÓ. Legally and constitutionally, there is nothing the U.S. Government could do. They could even put it in the enabling act, but then after Puerto Rico became a State, they could do what they wanted regarding participation in International Olympics.

Mr. CEREZO. I don't think it would be put in the enabling act.
Mr. ROMERO-BARCELÓ. Even if they did.

Mr. CEREZO. Yes, I agree with you.

Mr. ROMERO-BARCELÓ. Regarding the language issue, the enabling act could force Puerto Rico to speak English, it could make English the official language. I know you don't agree with that, but are you aware that Arizona and New Mexico, when they were admitted to the union, the enabling act required that public school instruction be conducted in English and the State officers and legislatures be proficient enough in reading, writing and speaking English to conduct the official business in English.

When New Mexico became a State, in their constitution, they made both languages the official languages, for 20 years. Were you aware of that?

Mr. CEREZO. Yes. I am aware of that in New Mexico and also the fact that the Hawaii constitution guarantees the right of the language. The problem in Puerto Rico is different from those countries. The reality of Puerto Rico is that it is an island 100 by 35 miles, overpopulated.

As Mr. Colorado, in a slip of the tongue, said, it would be impossible to change those language and cultural circumstances unless hundreds and hundreds of years go by. In these places, language or culture were changed or lost in some cases because they were repopulated, populated anew by Anglo-Saxons.

Mr. ROMERO-BARCELÓ. In larger numbers.

Mr. CEREZO. In larger numbers. But that is not the case in Puerto Rico because we would just fall off the island into the water. That is impossible.

Mr. ROMERO-BARCELÓ. We are not assimilative. We assimilate.

Mr. CEREZO. That is what occurred to the McClintocks of life that come to Puerto Rico like Dennis's father, and then he has been assimilated into the island. To all those teachers who went to the islands in the early turn of the century when the U.S. Government started, the absurd proposition of teaching everyone in English at the absolute exclusion of Spanish, they all ended up married in Puerto Rico and speaking Spanish and they are in the cemeteries on the island.

Mr. ROMERO-BARCELÓ. When we talk about not including the language or culture in the enabling act, it is because there is nothing the Congress can do about it once Puerto Rico becomes a state, correct?

Mr. CEREZO. Yes, there is protection under the 10th Amendment.

Mr. ROMERO-BARCELÓ. Thank you.

Mr. DE LUGO. The gentleman from New York.

Mr. SERRANO. Thank you, Mr. Chairman. I thank all four for your testimony today and for involving us all through your testimony in further discussion of my resolution.

I just have comments to both Mrs. Ramirez and Mr. Gallisa. Your desire to change the first clause, the first whereas to include the wording of those who reside in Puerto Rico, I know what you are trying to say about the lack of equality that exists for people who live only in Puerto Rico that are Puerto Ricans.

But there are many of us who live outside of the island who feel that one of the many reasons we are not equal in this society is because of the political status of the islands.

So I don't think it is totally improper to suggest that the political status creates an inequality in how citizens are treated. There are many people who will tell you that when they went away to school, having been raised in New York, having been born in New York, because they were Puerto Ricans, they were looked on as different. I know that that could be another discussion as to this society in general.

But I don't think this misspeaks to a truth which is that Puerto Ricans are sometimes not treated equally for many reasons and one of them is it that there is no definition, that we come from an independent nation and therefore we are immigrants.

Do we come from a State of the Union and therefore we are "equal" or do we come from a status that has been reaffirmed recently? That doesn't exist. That is why we voted the way we did.

Dr. RAMIREZ. I understand your feelings on this. As a matter of fact, I was brought up out of Puerto Rico. I came back to Puerto Rico in 1968. I understand exactly what it is like living in the United States. Anyway, the thought that this is like a legal document and this explanation might not be in the legal document. Since it says that Puerto Ricans are not treated as equals, that is why I came to the conclusion that it should be clarified if they reside on the island.

In real terms, if you don't reside on the island, then you are treated as a regular United States citizen.

Mr. SERRANO. Mr. Gallisa, you and I don't really know each other. We know of each other, but I certainly have not had the pleasure of working with you. This may come as a total shock to you or as a shock perhaps to other people on the panel more than to you, but I have known of your work for many years and I respect your work and you would be surprised on how many things we agree.

Your statement that I don't start my resolution off from the premise that we are a nation of people is correct. I don't. I do believe that we are a nation of people. But please understand my situation.

I am a United States Congressman trying to move the issue forward. If I start from the premise that we are a nation of people, the United States Congress, most of the Members I deal with and have lunch with and play basketball with and associate with, could care less about that statement.

If I have a chance at all to bring the issue on the table, it is starting from the premise that we are citizens but we are not equal. From there, this country maybe has to begin to look at that relationship. It could be that the final result is independence, statehood, or something reaffirmed in the present status. We don't know that. We all have different philosophies about that.

But I agree with you that, in a perfect situation, if I knew that I was going to live 150 years more, then the next 100 would be spent in Congress, which make me the longest running Member of Congress. Then I would start from the just and correct premise which is we were invaded in 1898, therefore, everything after that

is probably illegal, immoral, and improper. And before we do anything, we have to go back to that situation.

But that is not the reality of what I face here as a Member of Congress. The reality is that I want to put on the table this discussion. I want to use any mechanism I have to bring the discussion of the fact that, in my opinion, Puerto Rico is a colony. This is beginning to do it by virtue of just what happened here today.

How much we can take it from here, how much the Chairman can do, how much the Resident Commissioner can do, how much I can do, how much all of us can do not to let the issue slip away hinges a lot on what the Chairman has said, how this President from this generation of Americans, coming from the Vietnam Era War and the Civil Rights Movement Era will look at this issue.

Please understand that my intention was never to deal away the fact that we are a nation of people. In fact, my desire to allow for you to have us vote on the plebiscite is based on my belief that we are a nation of people.

Those who know me, if you knew me very closely, would know that I sometimes get accused by my critics as being very romantic in my approach to politics. The romantic, sensitive way would be to say everything you have done after 1898 is invalid, let's start anew. My time here may not be 20 years in Congress. It may not be ten years. Who knows how long I will be here.

I had to start from the premise I felt was the best political advantage I had. That is, you made me a citizen, I never asked for it. Now you treat me differently. Let's deal with that issue.

Mr. GALLISA. Congressman Serrano, I very much appreciate your words. I hope perhaps at some time we will have an opportunity to talk about these things. I know that you have to go a long way to educate people here in Congress about Puerto Rico. I think the majority of Congress does not even know where Puerto Rico is and can care less.

I think that education challenge that you have here in Congress will have to start by telling the Congress exactly what our history is, that we are a nation, that we were invaded in 1898, and that ever since that invasion, we have been under colonial rule.

We have to tell Congress also that our American citizenship was an imposition against the will of the Puerto Rican people that expressed twice to the House of Representatives at that time against the American citizenship. It was undemocratic for us, that process that we were forced to become American citizens.

The leaders here in this country get confused very often. They don't know these facts. They might treat our case as a treaty rights case, as citizens just being discriminated again.

In this society, the black people are discriminated against, but they don't live in colonialism like we live. They are not a nation like we are. I think there is a way for the liberals here in this country to look at this issue as a civil rights issue and that is why the statehooders have a campaign here in this country, that this is a civil rights issue, that this is a case of American citizens discriminated against.

Then, if the issue is put forward that way, the solution would be only one, statehood, to put all the citizens under the same equality. That is not the issue.

That is why we have to start saying that we are a nation, because it is very different when we start saying that we are a nation then when we start saying we are American citizens. It is completely different. The outlook is completely different. It is a completely different approach to the problem. That is my criticism of your resolution, with all due respect.

Mr. SERRANO. I understand that. My comments, with all due respect, were made based on the fact that you have been very eloquent and very strong in your columns in New York and your radio and TV commentary in New York against me or against my resolution.

Mr. GALLISA. Not against you, against your position.

Mr. SERRANO. You went so far as to say that I was helping the statehooders by doing this. Just one last comment. You make an assumption and the assumption is that the only solution to the way I word the resolution, if it is a civil rights issue, is statehood. That assumes that this country would be willing to accept Puerto Rico as a State.

None of us is sure of that at this point. That is what a lot of statehooders are trying to find out. We don't know whether Puerto Rico no longer serves a purpose to the U.S. and therefore is free to go. We don't know how bad public relations would be not to change the commonwealth.

What I am trying to do is just kind of nudge them along, nudge my brother and sister citizens in this country along and to say listen, you have a situation here which is unique not for the relationship but for me. I was born there. I was raised here. If I go back there, I cannot be a Congressman with voting power. If I stay in the Bronx, I can be a Congressman. This is all so darn confusing. Let's deal with it.

It is painful at times because you can try to imagine what it is like, but unless you are in my situation at this time in history, you will never know what it is like to be a member of Congress of the oppressing power and have been born and have emotional ties to the ones who are politically oppressed.

At times, you wake up in the middle of the night totally confused. But I bring myself back to reality immediately and deal with it. Thank you.

Mr. GUZMAN. May I quickly point something out that has to do with Mr. Serrano's remarks?

Mr. DE LUGO. It will have to be very brief. We are running very late.

Mr. GUZMAN. Very brief. This will be something for the Committee to start in the future as far as the voting that Mr. Serrano has proposed. The Federal Relations Act, 5-A, stipulates that any United States citizen who resides in Puerto Rico for a period of a year or more shall be considered a citizen of Puerto Rico.

My question, not as a lawyer, is the following: If you forego that residency requirement following the petition of Mr. Serrano and others, and empower people who do not reside in the island to vote, one, you most possibly would be altering the Federal Relations Act.

Second, if you empower nonresidents under the equal protection clauses of the U.S. Constitution, you would almost have to extend that vote to every United States citizen because the only reason

you would be allowing them to vote would be by origin or place of birth. And those are two things that you cannot discriminate against United States citizens.

So what I am saying is that you would be converting the plebiscite into a national plebiscite or have a resignation of the American citizenship of all of those who wish to vote, whether they live on the island or outside.

Thank you for your patience.

Mr. DE LUGO. Thank you, Mr. Guzman.

I thank all of you for your presentations here today.

Mr. DE LUGO. We will call our next panel. They have been very patient. The Committee would like to welcome at the witness table Wilfredo Santiago Valiente, President, United Statehooders Organization of New York; and Luis Alvarez of Sparta, New Jersey.

Our final witness today is a resident of the Island of Puerto Rico, Professor José Garriga-Picó of the University of Puerto Rico. He is scheduled with this panel because he was scheduled late. We know him from a valuable conference on Federal insular relations organized by the University of the Virgin Islands and other insular universities, which was held in February in Washington. We hope that he will bring an academic view into our testimony today.

Let's have our first witness, Mr. Santiago Valiente.

PANEL CONSISTING OF WILFREDO SANTIAGO VALIENTE, PRESIDENT, UNITED STATEHOODERS ORGANIZATION OF NEW YORK; LUIS ALVAREZ ARCHILLA, SPARTA, NEW JERSEY; AND JOSÉ GARRIGA-PICÓ, ASSOCIATE PROFESSOR, UNIVERSITY OF PUERTO RICO

STATEMENT OF WILFREDO SANTIAGO VALIENTE

Mr. SANTIAGO VALIENTE. Thank you. I am President of the United Statehooders Organization of New York. The United Statehooders wishes to convey some of our concerns over House Concurrent Resolution 94.

First, the resolution should be placed in historical perspective.

Second, the proposed resolution misconstrues the concept of self-determination as initiated by the United Nations and as supported by the people of the United States through their representatives in that deliberative body.

Third, the main resolution has to be concise to avoid complications. Let me elaborate. Point One, the resolution should be placed in historical perspective. The statement of motives should note that this is not the first time that Congress expressed itself concerning the political status of Puerto Rico.

For example, the Joint Congress resolution approved on August 3, 1979, affirms its commitment to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful open and democratic process.

It also strongly submits, our organization, that the statement of motives make reference to the plebiscite on the status to be held in Puerto Rico on November 14, 1993 to place the resolution in the proper perspective.

Point Two, the proposed resolution misconstrues the concept of self-determination as enunciated by the U.N.

The third resolution motive states that the Charter of the United Nations upholds "the right of self-determination, that is, the right of people to decide for themselves the political status under which they live"

This is misleading and outright incorrect. Article 73 of the U.N. Charter adopted on October 24, 1945, refers to the administration of territories whose peoples have not yet attained a full measure of self-government. It makes no reference whatsoever to the question of self-determination.

Self-determination is the subject of the U.N. Resolution 1514 (XV) of December 14, 1960, on granting independence to colonial territories. This resolution does not apply to statehood or autonomy. Of course statehood and the so-called "culminatio" of the commonwealth status involve the self-determination of the people of Puerto Rico. However, they entail the mutual or reciprocal determination of the people of the United States as well.

In the perspective, the United Statehooders Organization submits that the reference to self-determination in the third resolution motive either be excluded or clarified.

Point three, the main resolution should be concise yet comprehensive.

The proposed resolution is overly complicated and even contradictory. As such, it may be unacceptable to Congress. The proposed resolution correctly endorses the right of the people of Puerto Rico to political self-determination. However, it relies on Article 73 of the U.N. Charter which applies to colonial territories even though the government of the United States has repeatedly asserted the contrary with respect to Puerto Rico. Moreover, the proposed resolution implies that the commonwealth status has yet to attain a full measure of self-government though Congress also asserts the contrary.

The United Statehooders believe that the resolution should be balanced and concise. It should also recognize the reciprocal nature of the process of self-determination for Puerto Rico.

The United Statehooders submit that the Congress reaffirm its commitment of August 3, 1979, to "endorse and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process" and to work in concert with the people of Puerto Rico in resolving the question of its status according to the principle of self-determination in the case of the option of independence and in the context of its constitutional framework in the case of statehood and administrative autonomy.

Thank you.

[Prepared statement of Mr. Santiago Valiente follows:]

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Statement of the United Statehooders Organization of New York
before the House Insular Subcommittee on Congress Resolution No. 9
Regarding Self-Determination for Puerto Rico.

Good Morning. My name is Wilfredo Santiago Valiente. I am President of the United Statehooders Organization of New York. The United Statehooders is a civic organization that promotes the full political equality of our fellow Puerto Ricans and citizens residing in the island under the status of federated statehood.

The United Statehooders wishes to convey several concerns over the proposed Congress Resolution No.94 regarding self-determination by the people of Puerto Rico.

First, the resolution should be placed in historical perspective;

Second, the proposed resolution misconstrues the concept of self-determination as ennuiciated by the United Nations and as supported by the people of the United States through their representatives in that deliberative body; and,

Third, the main resolution ought to be concise, to avoid complications. In the least it should reassert the commitment of Congress "to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process in concert with the Congress of the United States" as resolved by Congress on August, 1979.

Let me briefly elaborate.

Point 1: The resolution should be placed in historical perspective.

The statement of motives should note that this is not the first time that Congress expresses itself concerning the political status of Puerto Rico. For example, the Joint Congress Resolution approved on August 3, 1979 affirms its "commitment to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process".

The United Statehooders Organization submits that the Joint Congress Resolution of August 3, 1993 embodies the main elements of a concise yet comprehensive resolution.

It also strongly submits that the statement of motives make reference to the plebiscite on the status to be held in Puerto Rico on November 14, 1993 to place the resolution in the proper perspective.

Point 2: The proposed resolution misconstrues the concept of self-determination as enunciated by the U.N..

The third resolution motive states that the Charter of the United Nations upholds "the right of self-determination, that is, the right of a people to decide for themselves the political status under which they live" This is misleading and outright incorrect. Article 73 of the U.N. Charter adopted on October 24, 1945 refers to the administration of territories whose peoples have not yet attained a full measure of self-government. It makes no reference whatsoever to the question of self-determination.

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In this perspective, the United Statehooders Organization submits that the reference to self-determination in the third resolution motive either be excluded or clarified.

Point 3: The main resolution should be concise yet comprehensive.

The proposed resolution is overly complicated and even contradictory. As such it may be unacceptable to Congress. The proposed resolution correctly endorses the right of the people of Puerto Rico to political self-determination. However, it relies on Article 73 of the U.N. Charter which applies to colonial territories even though the government of the United States has repeatedly asserted the contrary with respect to Puerto Rico. Moreover, the proposed resolution implies that the commonwealth status has yet to attain a full measure of self-government though Congress also asserts the contrary.

The United Statehooders believe that the resolution should be balanced and concise. It should also recognize the reciprocal nature of the process of self-determination for Puerto Rico.

The United Statehooders submit that the Congress reaffirm its commitment of August 3, 1979 to "endorse and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process" and to work in concert with the people of Puerto Rico in resolving the question of its status according to the principle of self-determination in the case of the option of independence and in the context of its constitutional framework in the case of statehood and administrative autonomy.

Thank You.

Mr. DE LUGO. Our next witness is Mr. Luis Alvarez Archilla of Sparta, New Jersey.

STATEMENT OF LUIS ALVAREZ ARCHILLA

[Prepared statement of Mr. Alvarez Archilla as read in Spanish and summary in English follow:]

Supplemental Information

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Summary of Comments and Recommendation

Concurrent resolution 94 must explicitly address the Congress acceptance or rejection of each one of the three status options in Puerto Rico's plebiscite.

Congress must clearly reject the statehood option for Puerto Rico based on the grounds that Puerto Rico is a different social entity, with a different language, culture and history. Puerto Rico is a latin american nation.

If Congress is not willing to express its action in each one of the status options, the plebiscite should be under United Nations supervision.

Who, how , when, what and with whom the Congress will negotiate the people of Puerto Rico selected status option.

Ref: Luis Alvarez Archilla
Personal

Chairman Ron De Lugo
Distinguidos Miembros del Subcomite de Asuntos Insulares
Damas y Caballeros

Nuevamente nos encontramos aquí para exponer acerca del status político de Puerto Rico, esta vez lo hacemos al opinar sobre la resolución conjunta No. 94, presentada por el Representante Jose Serrano. A primera vista esta resolución aparenta tener todo el contenido necesario para apoyar el plebiscito a celebrarse en Puerto Rico el próximo Noviembre. Las apariencias engañan. Esta resolución fue presentada durante o después que la Legislatura colonial de Puerto Rico aprobara la ley y es discutida hoy, después que el gobernador colonial de Puerto Rico firmandola la convirtiera en ley. (Ruegole a los concurrentes me perdonen por usar la expresión colonial en referencia a la Legislatura y el gobernador de Puerto Rico, pero no encuentre otra palabra que pudiera describir la situación de un país donde se considera un plebiscito para decidir su status político). La resolución conjunta 94 tiene que ser precisa en su contenido puesto que se encuentra haciendo referencia a un plebiscito donde se presentan como solución al status político de la isla la Estabilidad, el Estado Libre Asociado y la Independencia. La resolución conjunta 94 debe ser redactada de forma tal que incluya una referencia a cada una de las opciones presentadas en el plebiscito de Puerto Rico. El Congreso de los Estados Unidos no puede rehuir a su responsabilidad con relación al status de Puerto Rico puesto que es parte integrante de la actual situación de la isla. La resolución conjunta 94 puede y debe ser el vehículo donde el Congreso de Estados Unidos exprese su posición respecto a cada una de las opciones presentadas en el plebiscito. De no ser así este plebiscito deberá celebrarse bajo los auspicios de la Naciones Unidas puesto que no existen garantías, por parte del Congreso de los Estados Unidos, de que el resultado del plebiscito será utilizado como centro de negociación para solucionar por una vez y por todas el status político de Puerto Rico. Cualquier resolución que el Congreso de los Estados Unidos apruebe que no este encaminada a expresarse en la forma anteriormente mencionada es una burla al pueblo de Puerto Rico puesto que no hay garantías que la formula elegida vaya a ser negociada con el Congreso de los Estados Unidos. Por otro lado un rechazo del Congreso a una formula escogida en el plebiscito o una negociación a medias tendra efectos devastadores para Puerto Rico.

Antes de entrar de lleno en la propuesta concreta sobre el status en la resolución conjunta 94, deseo hacer de conocimiento del comité que la ley aprobada en Puerto Rico no estipula nada acerca de la acción a tomarse con los resultados del plebiscito (otra cosa que no sea la certificación de los resultados al Congreso de los Estados Unidos). Esto tal vez debido a que el partido gobernante en Puerto Rico, propulsor de la anexión a los Estados Unidos o estabilidad, no esta seguro de que su formula vaya a triunfar en el plebiscito y rechaza la negociación con el Congreso de los Estados Unidos de otra cosa que no sea la anexión a los Estados Unidos. El Comisionado Residente de Puerto Rico aquí en el Congreso claramente

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senalo hace varias semanas a los medios informativos que si la formula de estadidad no triunfaba el no participaria en ninguna negociacion. La resolucíon conjunta 94 tiene y debe incluir quienes van a negociar, que se va a negociar, cuando y como se va a negociar y quien tiene la aprobacion final de esas negociaciones.

La resolucíon conjunta 94 debe incluir las siguientes conclusiones respecto a las tres formulas de status consideradas en la ley de plebiscito:

Estadidad -

El Congreso de los E.U. no aceptara a Puerto Rico como un estado de la union debido a que Puerto Rico es un ente social distinto a los estados de la union. Distinto en su cultura, en su lenguaje y en su historia.
Puerto Rico es nacion hispanoamericana.

Independencia -

El Congreso de E.U. negociara con los representantes de esta formula o los que el pueblo elija, la creacion de la Republica de Puerto Rico.

Como el Estado Libre Asociado (status quo) representa el pacto vigente, el triunfo de esta opcion posiblemente requiera otro mandato respecto a que es lo que va a negociar.

Muchas Gracias.

Mr. DE LUGO. Thank you very much, Mr. Alvarez.

Mr. ALVAREZ. Do you want me to make a summary of the comments and recommendations?

Mr. DE LUGO. No. We have it here and it will be placed in the record. Thank you for providing that to us.

Mr. DE LUGO. Now our next witness will be the professor José Garriga-Picó.

STATEMENT OF JOSÉ GARRIGA-PICÓ

Mr. GARRIGA-PICÓ. Thank you, Mr. Chairman. I really wanted to thank you and Mr. Serrano for waiting to hear what we have to say. I guess everybody is tired from a very long day. I will just present my statement for the record and highlight some of my comments.

Mr. DE LUGO. That is very thoughtful and considerate of you. We appreciate that. Without objection, your entire statement will be placed in the record at this point.

Mr. GARRIGA-PICÓ. I wanted to point out the fact that there are two versions of my statement. I want to be sure the one that gets in is the one I brought this morning, not the one I faxed, because there were problems with that.

Mr. Chairman, I will not burden you to listening again to how Puerto Ricans are a nation and how from that fact grows the right of self-determination of the Puerto Rican people in order to choose the political structure that will administer sovereignty over its people and over its destiny.

I will not again burden you with listening to all the history about our nationalities, a sociological term that is united with a political term which is a state and how that forms a nation state and how that leads to the kind of political organization in which we are involved at the moment and therefore the right of the people of Puerto Rico to decide which State to belong to, whether to belong to the general state of the United States or an independent state or an associated state grows from the fact that we are a nation.

I do want to point out, though, that I think and I recommend that you approve this concurrent resolution, but that I feel that you have to take into account that there are certain implications of what you are saying which I will read, if you would allow me.

The fact that Puerto Ricans have a right to self-determination and that the Congress recognize this right which they have not enjoyed fully is not an inconsequential one. To admit that Puerto Rico has a right to self-determination, has political consequences that the Congress is well-advised to consider.

First, the United States is accepting that Puerto Rico is in a state of political subordination short of what is internationally acceptable.

Second, the United States must recognize its duty to act with all due intent and speed to see that Puerto Rico is able to exercise fully its right to self-determination, whether you made that expressly in the resolution or not.

Third, the United States must recognize the right of the Puerto Rican people to appropriately assign their own mechanisms for consultation and decide about their future based under their right to self-determination without the interference of the United States.

Fourth, when the Puerto Ricans communicate their decision, the United States Government must be receptive and respectful of the results and must assure a prompt consideration of their request from the Puerto Rican people.

Five, in case the Puerto Rican request is not fully acceptable to the United States Congress, the Puerto Ricans have the right to expect an expeditious process of negotiation regarding possible alternatives and compromises.

Six, in case that the Puerto Rican people petition and the Congress is willing to grant any status option other than independence, the Congress must recognize that the right to self-determination of the people of Puerto Rico will not be extinguished as long as a Puerto Rican culture and nationality can be said to exist.

I know that this brings out all the topics that have been discussed today. I know the chairman is aware of these. I want to end my words by mentioning some recommendations that I have on page 13 at the end of my paper.

First, I think that the resolution could be amended to recognize more clearly that a plebiscite has been called by local law in which the three major political parties, each defending one of the traditional formulas are vowed to participate. I think that this plebiscite may be more valid. It is really a plebiscite.

I really resent those who say this is not a real plebiscite because we are legislating it ourselves. I think that is a colonial mentality at work. We can legislate for ourselves and listen to ourselves and decide what we want.

Moreover, for the first time in the history of Puerto Rico, the three formulas will be represented and backed by the parties that traditionally defend these formulas. This is the first time that all the political forces are really going to participate.

Second, express the sense of the Congress that such plebiscite is agreeable with its desire to promptly dispose of the territory pursuant to its authority under the territorial clause of the Constitution. That does not really bias resolution in one way or the other. It is just saying the intent of the Congress is to see what happens in this plebiscite; to really act expeditiously in order to end the colonial situation.

Third, recommend the establishment of a fast track mechanism to consider legislation to respond to whatever choice the people of Puerto Rico may make in the plebiscite. I know that the members of a statehood party oppose this, and it is because they feel that that may impede a success of their formula. However, it is the right of the rest of the Puerto Rican people to know what the Congress thinks about a petition that they may have made.

Fourth, establish a joint congressional Puerto Rican commission to maintain an official dialogue between the leaders of the parties that defend the status formula in Puerto Rico and the congressional leadership in charge of legislation regarding the island.

I am convinced that we are engaged in a process that will bring about the end of the centuries' old colonial condition of Puerto Rico. The most important thing in this process is that both American and Puerto Rican leaders promote that the Puerto Rican people squarely face the choices they have to make regarding their future as a people.

Self-determination means that we ask ourselves and find answers to questions of who we are, who do we want to be, where do we want to go, by which principles to do we want to live, how are we going to integrate ourselves into the rest of the world.

Congress could not provide the answers to these questions even if it wanted to. Approving the concurrent resolution now under consideration should help us begin a process to find our own answers.

Thank you, Mr. Chairman.

Mr. DE LUGO. Thank you very much, Professor. That is very helpful to us.

[Prepared statement of Mr. Garriga-Picó follows:]

UNIVERSITY OF PUERTO RICO
Río Piedras Campus
Department of Political Science

STATEMENT

by Prof. José Garriga-Picó

at the Public Hearings held by the Sub-Committee on Insular and
International Affairs (Committee of the Interior) chaired by the Mr. Ron De
Lugo, Resident Commissioner from the U.S. Virgin Islands regarding the
Concurrent Resolution presented by Mr. José Serrano of New York,
expressing the Sense of Congress

REGARDING THE EXPRESSION OF SELF-DETERMINATION
BY THE PUERTO RICAN PEOPLE
(H. CON. RES. 94.)

Tuesday, July 13, 1993 in 1324 Longworth, HOB., Washington D. C.

Congress and the Self-Determination
of the Puerto Ricans

By José Garriga Picó, Ph.D. ⁽¹⁾

(INTRODUCTION)

Mr. President: I wish to thank you for this opportunity to address the Committee. For the record, my name is José Garriga-Picó and I am a Professor of Political Science at the University of Puerto Rico. I have asked to be allowed to testify as a Puerto Rican and as a long time student of Puerto Rican Politics. The views that I express do not necessarily reflect the opinions of the University of Puerto Rico.

Like most Puerto Ricans, I have a known status-preference and belong to a political party. In my case, I favor independence and am a rank-and-file member of the Puerto Rican Independence Party but I am not participating here as a member of that party's delegation and the opinions I express cannot, in any way, be interpreted to represent those of that party.

I hope that my presentation will help you in evaluating the Concurrent Resolution presented by Mr. José Serrano of New York, expressing the Sense of Congress "Regarding the Expression of Self-Determination by the Puerto Rican People" (H. CON. RES. 94.)

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(SUPPORT FOR THE RESOLUTION)

Mr. President, in general, I feel that the Congress would be helping the self-determination of the Puerto Rican People by approving this Concurrent Resolution.

We Puerto Ricans have never been able to exercise fully our right to self-determination, largely due to the selective actions and inactions of Congress. The resolution presented by Mr. Serrano commits the Congress to promote our process of self-determination without excessive interference in the process.

(SELF-DETERMINATION)

Self-determination is 'the right of a people to determine the way in which they shall be governed and whether they shall be self-governed or governed by another power.'²⁾ Even if a people chose to be governed by another power or another people, however, the exercise of self-determination is incomplete and thus waiting for adequate satisfaction.

This is the case of the Puerto Ricans with respect to the Congress of

²⁾ The Random House Dictionary of the English Language, College Edition, Laurence Urdang (Ed.), Random House, New York. El Pequeño Larrouse Spanish Dictionary defines the *autodeterminación* as '*la libre decisión de los pobladores de un territorio acerca de su futuro estatuto político*' which translates loosely as the free decision of the inhabitants of a territory regarding its future political statute ie. constitution.

the United States: we have never exercised full self-determination. Adequate satisfaction of this right requires that the people engaged in the act of self-determination become significant actors in a sovereign state, in the state that exercises ultimate sovereignty over them.³⁾ The people exercising self-determination may choose to create a new, independent state, with its own sovereignty. Or they can choose to partake in the exercise of an existing state's sovereignty through annexation or free association. In any case, self-determination must entail access to full participation, with equality of rights and privileges, in the state that exercises sovereignty over them.

Put another way, if after a process of self-determination, a people cannot be said to have created an independent state or to have full participation in the bodies of a previously existing state of which they are

³⁾ BLACK'S LAW DICTIONARY, 6TH EDITION defines Sovereignty as:
"The supreme, absolute, and uncontrollable power by which any independent state is governed...; the self-sufficient source of political power, from which all specific political powers are derived; the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation; also a political society, or state, which is sovereign and independent. The power to do everything in a state without accountability, -to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like..."

now a part of or to which they have associated themselves, real self-determination cannot be said to have occurred.

(SOCIOLOGICAL UNDERPINNINGS OF THE RIGHT TO SELF-DETERMINATION)

Hence, self-determination is the primary act of a people's sovereignty over itself as a nation and over their social institutions. As such, self-determination is inextricably tied to the concept of a people as a nationality, in the sociological sense of the word. A *nationality* in contemporary social science is a group of people whose members have a common historical origin, share a culture and social institutions, and through these, have developed a sense of sharing a common identity, of belonging together now and in the future ⁽⁴⁾

⁽⁴⁾ It is true that in common English parlance and in legal usage, nationality is used to indicate political citizenship. Hence, according to BLACK'S LAW DICTIONARY, 6TH EDITION, Nationality is:

"That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status. Nationality arises either by birth or by naturalization."

The meaning that I want to underscore here is the one given by Random House Dictionary, College Edition:

In modern political theory and international jurisprudence and practice it has become a recognized principle that every group defined by its sociological characteristics as a national group has an inalienable right to decide freely which political structure shall exercise political sovereignty over them and the form in which this sovereignty should be exercised.⁽⁵⁾

(ROOTS OF THE PUERTO RICAN NATIONALITY AND RIGHT TO SELF-DETERMINATION)

The right of Puerto Ricans to self-determination emerges from the historical fact that Puerto Ricans are a nation: a people that can trace its roots in the Island to a date earlier than the arrival of the Pilgrims in Plymouth Rock; a people who had developed a distinctive culture, and developed functional social, economic, and political structures scores before American troops landed in the Island; a people who have retained a sense of a separate identity even after 100 years of American colonial domination; a

"(4) an aggregation of persons of the same ethnic family often speaking the same language or cognate languages"

⁽⁵⁾ Furthermore, it has been recognized that although the process of self-determination can lead to annexation or association with other existing states, the peoples exercising self-determination can only claim an inalienable right to independence since annexation and association must be the result of negotiations with the representatives of other states.

people who are at this very moment claiming the right to decide how they will forge their future together.

Self-determination, therefore, is the inalienable right of the Puerto Rican People to make the fundamental decisions regarding where and in which institutions the power to exercise ultimate sovereignty over them should reside and in which way to organize their political life.

In this quest, as I shall later show, the major impediment to the exercise of Puerto Rican self-determination, in theory and in practice, has been the exercise by Congress of its plenary powers over Puerto Rico. ⁽⁶⁾

(CONSEQUENCES OF OUR RIGHT TO SELF-DETERMINATION)

The fact that Puerto Ricans have a right to self-determination which they have not enjoyed fully is not an inconsequential one. To admit that Puerto Rico has a right to self-determination has political and juridical consequences that the Congress is well advised to consider:

First, the United States is accepting that Puerto Rico is in a state of political subordination short of what is internationally acceptable.

Second, the United States must recognize its duty to act with all due intent and speed to see that Puerto Rico is able to exercise fully its right to self-determination.

⁽⁶⁾ See US v. Sánchez, 992 F.2d 1143 (1993).

Third, the United States must recognize the right of the Puerto Rican people to, *Motu Proprio*, assemble, design their own mechanisms for consultation and decide about their future, based on their right to self-determination without the interference of the United States.

Fourth, when the Puerto Ricans communicate their decision, the United States government must be receptive and respectful of the results and must assure a prompt consideration of the requests from the Puerto Rican People.

Fifth, in case the Puerto Rican request is not fully acceptable to the U. S. Congress, the Puerto Ricans have a right to expect an expeditious process of negotiation regarding possible alternatives and compromises.

Sixth, in case the Puerto Rican people petition for, and the Congress is willing to grant any status option other than independence, the Congress must recognize that the right to self-determination of the People of Puerto Rico will not be extinguished as long as a Puerto Rican culture and nation can be said to exist.

In sum, an acceptance by the Congress of the right of Puerto Ricans to self-determination is a policy statement full of long-range consequences in the context of applicable international law and precedents.

(CONGRESSIONAL INACTION ON THE SELF-DETERMINATION OF
PUERTO RICO)

The Congress is well-advised to consider the implications of a declaration of the right of the Puerto Rican People to self-determination because in the past its action, or inactions, have been the principal impediment to the implementation of the will of the Puerto Rican People.

In 1899, Puerto Rican patriot Eugenio María de Hostos, demanded of the United States a plebiscite on the Island in order to determine the will of the Puerto Ricans regarding their future relationship with the United States, but his request was disregarded by the Congress. Thus the Foraker Act of 1900 which instituted an official political relation between Puerto Rico and the United States, most of which still remains intact, was imposed upon us without officially consulting the people regarding its provisions.

The same happened with our second Organic Law, the Jones Act. Moreover, by its provisions, in 1917, Puerto Ricans were made American citizens without consulting them in a referendum and against the official recommendation of the Insular House of Representatives which at that time was the only fully elective body of the Puerto Rican Government.

Although there was a series of referenda and elections in the period between 1950 and 1952 to institute the present Commonwealth status and to draft its Constitution, none was a plebiscite that included the options of independence or statehood even though there were parties advocating these formulas.

Since the Commonwealth Status was instituted, the United States Congress has steadfastly refused to make any changes in the relationship between Puerto Rico and the United States. Cosmetic changes proposed in 1953 were not approved by Congress. In 1959, the so-called Fernós-Murray Bill which proposed important changes died in committee. In 1962, correspondence between John F. Kennedy and Luis Muñoz Marín aimed at fine tuning the Commonwealth failed to produce any changes.

Finally, in 1966, the Congress did approve the formation of a Status Commission which recommended conducting a plebiscite which occurred the following year. That plebiscite had major flaws: it was "requested" by the Congressional delegation but it did not receive a Congressional commitment to respect Puerto Rico's right to self-determination such as is established in the Concurrent Resolution now under consideration; it was conducted against the expressed will of the two major opposition parties, the Statehood Republican Party and Puerto Rican Independence Party, that had participated in the Status Commission in defense of the other formulas. These two parties abstained and the formulas were defended by *ad hoc* groups created under the provisions of the law.

Even though the winning formula was the Commonwealth and a mechanism was devised to create commissions to advise the Congress on possible changes to that status, no important alterations were even considered

and the mechanism to offer proposed changes died of inaction.

The 1977 proposal by President Gerald Ford to make Puerto Rico a state and the promises of Republican candidates and administrations to make Puerto Rico a state during the 1980's were all made without officially consulting the people of Puerto Rico. But given the Congress's unwillingness to act on the question of status, these promises came and went with those candidates and administrations.

Finally between 1989 and 1991, a so-called Dialogue Committee composed of the Presidents of Puerto Rico's three main political parties began a lobbying process in the Congress by which they were able to promote specific legislation both in this Subcommittee and in the Energy Committee of the Senate. Needless to remind you, the legislation did not pass the committee stage.

In sum, in the exercise of its plenary powers over Puerto Rico, Congress has been the major impediment in allowing the consultation of the Puerto Rican people or in the process of turning into legislation whatever the Puerto Rican people request. Moreover, the statement by the presidents of the three major political parties in their letter to President George Bush in 1989 remains true: the Puerto Rican People have never been formally consulted regarding their choice between the three status formulas.

(CONSIDERATIONS ON THE PLEBISCITE TO BE CONDUCTED IN
PUERTO RICO)

The Concurrent Resolution now under consideration seems like an appropriate first step to turn this situation around. In fact, at this moment, since a bill has been signed into law in Puerto Rico to conduct a plebiscite later this year, it may be a better alternative than trying to legislate a federally sponsored plebiscite since it respects the right of local initiative by the self-determining people on the issue.

The plebiscite that has been approved in Puerto Rico shall be a valid exercise of our right to self-determination. Mind you, it is not the final exercise of our right to self-determination. Nor could it be, since such a right exists as long as an ethnic group remains cohesive and able to be mobilized on the basis of their shared identity. But it shall be an important expression of our will to self-determine ourselves.

Some critics in Puerto Rico have claimed that the plebiscite is a worthless exercise because it does not bind the Congress to accept and implement whatever the people of Puerto Rico decide. Obviously, the results of this plebiscite cannot legally bind this or future Congresses, but not even a Congressionally-mandated plebiscite could accomplish that. For self-determination purposes, moreover, the important thing is not to assure that the Congress is bound to accept particular definitions of the formulas but to

assure both, the free expression of the Puerto Rican people, and Congress's willingness to negotiate based on that expression. The Resolution under consideration would give federal support to the plebiscite without intruding excessively in the decision as, for example, defining the formulas to be voted upon might do.

The plebiscite that will be held in November of this year in Puerto Rico may be the most valid exercise of self-determination to date, since the previous referenda or plebiscites did not offer all three formulas for consideration and/or were boycotted by important political sector.

In 1952, the three formulas were not included in the ballot and the *independentistas* (at that time the second largest electoral force in the Island) refused to participate in the drafting and approval of the Commonwealth Constitution. And in 1967, the plebiscite was conducted against those who supported the two formulas that were defeated.

This year, all the formulas appear on the ballot and they are to be represented by the parties that have traditionally defended them.

Moreover, the process of dialogue between the Congressional Committees and the leadership of the parties during the period 1989-1991 helped to clarify aspects of the possible relations that Puerto Rico may have with the United States under the different status alternatives in a way that had not been done previously.

Hence, the situation seems ripe for the Puerto Ricans to consult themselves regarding their preferences on the status of the Island and the November plebiscite seems to be an appropriate mechanism to gauge those preferences.

(PROPOSED AMENDMENTS)

The Concurrent Resolution now under consideration must be seen as a complement to the Plebiscite. What the resolution is missing, however, are mechanisms to make official the dialogue between the leadership of these Congressional Committees and the Puerto Rican leaders of the three persuasions, and for prompt consideration and action on whatever outcome emerges from the plebiscite. The resolution could be amended to:

1. Recognize that a plebiscite has been called by local law in which the three major political parties, each defending one of the traditional formulas have vowed to participate.
2. Express the sense of the Congress that such a plebiscite is consistent with its desire to promptly dispose of the territory pursuant to its authority under the territorial clause of the Constitution.

Mr. DE LUGO. Well, I have some questions for each one of the witnesses. First of all, Mr. Santiago Valiente, with regard to your questioning of the resolution's reference to self-determination as being a principle espoused in the U.N. Charter, you may want to look at Articles 1 (2) and 55 of the charter, in addition to Article 73 on the nonself-governing territories. We will supply you with those citations.

Some of your other points are very well taken and your suggestions are helpful to the Committee. I want to thank you for your thoughtfulness.

Let me ask you two questions. One is your view of the plebiscite which the Government of Puerto Rico has decided upon, and I also want to ask you as a Puerto Rican resident in a state, and a statehood supporter, to address the issue of whether Puerto Rican residents in the States should be able to participate in the status decision by Puerto Rico. Let us just take that last question.

Mr. SANTIAGO VALIENTE. Well, let me tell you I have some reservations with the participation of Puerto Ricans in the mainland, and basically it is a logical, a kind of logical approach. For example, let's suppose that for one reason or another, let's say the position of the island takes hold and suddenly independence gets a foothold in the island. Suppose further that Puerto Ricans see a vote and they vote for statehood.

How will we be able to, in a sense, work out a solution in the case of the island if Puerto Ricans prefer independence, and for one reason or another Puerto Ricans on the mainland move the decision in favor of statehood? Would the people of Puerto Rico accept that condition?

This is basically a matter of putting the whole thing, the whole process in a logical perspective. It will lead, I think, to complications, to complications if we accept a process that might in one way or another in certain circumstances put a hold on the will of the island of Puerto Rico.

The Puerto Ricans residing on the island, they are the ones that will have to push forward with whatever status they pick. Puerto Ricans here, my feeling is that Puerto Ricans here have still a romantic view of the island, with my due respect to Congressman Serrano. Romanticism cannot decide this process.

Most of the Puerto Ricans live here for such logical reasons. When they retire, they don't retire in Puerto Rico. In New York, they tend to retire in Florida, for example. So my feeling is that the islanders, they have to decide by themselves. They have to make a choice, and whatever choice they make, they have to have the responsibility to push that choice.

So I am a little concerned that Puerto Ricans here participate. It is a matter of principle. It is a matter of a logical decision process that might—Puerto Ricans here, in certain circumstances, might basically thwart the will of the people of Puerto Rico.

Mr. DE LUGO. Let me address a question to Mr. Alvarez. The Serrano resolution would state that the people of Puerto Rico have the right to decide the island's future status.

Now, of course, the Congress would also need to decide on the status. You are saying that Congress should deny statehood. Should the Congress not respond, though, to the will of the people

when there is a local determination and petition and not foreclose options to the people?

Mr. ALVAREZ. Well, you are not foreclosing options. You are telling what they will—this is a pact. This is between two entities. This entity must tell these people which compromise I will accept. And the statehood and the commonwealth is something that has to be negotiated. The independence is a right. We have a right for independence, but the other two we have to negotiate.

I have the feeling, the political feeling, that the Congress will not accept Puerto Rico as a State of the Union because the social climate in Puerto Rico will bring the Congress of the United States—Puerto Rico is a different nation. Even in my language in communicating with you today, you will see that feeling.

Mr. DE LUGO. You have also raised the question of what happens after the plebiscite. Given the plebiscite law that has already been enacted, what do you think should happen after the plebiscite?

Mr. ALVAREZ. Well, somehow, see, the law does not say anything about it. They are waiting for this to happen and then, if they win, if the political party that is in power wins, they will do whatever they need to do to go ahead with it. If they don't win, it stays there. That is my opinion.

Mr. DE LUGO. That is my question. What happens if statehood does not win? What happens if one of the other parties wins; then who should Congress talk to?

Mr. ALVAREZ. Congress should talk to the party that went into the plebiscite and the representative of that option.

Mr. DE LUGO. To the representatives of the winning option?

Mr. ALVAREZ. Right.

Mr. DE LUGO. All right.

Professor, your statement is also very helpful. It makes a good case for the resolution and I am going to tell Congressman Serrano that he has an ally. I know he wishes he was here to have heard you.

You suggest referring to the plebiscite in the resolution's language itself. Are you troubled by the lack of a clear process for determining a plebiscite winner?

Mr. GARRIGA-PICÓ. In Puerto Rico, you mean?

Mr. DE LUGO. Yes.

Mr. GARRIGA-PICÓ. Yes. As a matter of fact, I could send you a copy of my statement to the local legislative committees considering the law that is implementing the plebiscite.

Mr. DE LUGO. You testified before?

Mr. GARRIGA-PICÓ. Yes.

Mr. DE LUGO. We would appreciate having that.

Mr. GARRIGA-PICÓ. Sure, I will send you a copy of that as soon as I get to Puerto Rico tomorrow.

[EDITOR'S NOTE.—The statement was not received at the time of printing.]

Mr. DE LUGO. Do you have any specific comments on the language of the resolution?

Mr. GARRIGA-PICÓ. Well, if I may answer the question, the first question before.

Mr. DE LUGO. All right.

Mr. GARRIGA-PICÓ. Yes, I do, and the thing is I see that there are three possible, four possible solutions or outcomes to this plebiscite. It could be that one of the three formulas win or that none win, if none gets more than 50 percent, which is a message that the people are trying to send.

And then what I suggested in Puerto Rico was that the committee that they were forming at that time, which they did away with later on, and it is not in the law, be divided proportionally among the members of the different formulas and that that be constituted into a dialogue committee with this Subcommittee and the Energy Committee in the Senate, so that new alternatives could be framed.

At the national conference I also spoke of the possibility of new alternatives that could be framed. So that is my feeling regarding that particular aspect.

Mr. DE LUGO. Well, I think that your suggestions are very constructive, and so we would look forward to receiving your testimony that you previously gave the legislature.

I want to thank all of you for having come all this way to testify, whether it is from New Jersey or New York or all the way from Puerto Rico, and for having been here for this long day. I hope that you found it as interesting as the Chair found it. I think that it was a very good hearing; very constructive, and I think that those who have been listening to this, whether it be the radio or television or the many, many people who have been here throughout the day, have to be impressed with what has gone on here today.

Mr. GARRIGA-PICÓ. I am going to take the privilege of thanking the Chairman for all his effort during the whole day and commend him for all his effort in favor of the decolonialization of Puerto Rico in the name of all the Puerto Rican people.

Mr. DE LUGO. Well, you must realize that I have a great admiration for the people of Puerto Rico and I am, as an American citizen, very embarrassed by the fact that our country has been remiss in moving forward in resolving this issue. It has been given pretty words before the U.N. and on the world stage, but the time has come, as I said, for us to step up to the plate on this All Star day and to really begin to play the game in earnest and then declare a winner and put the political status issue to rest finally after a century.

And with that, I want to thank all of you and I want to thank the very fine staff led by Staff Director Jeff Farrow, my attorney, Brian Modeste, Daisy, and Gail, who was here earlier, and everyone that has contributed to these hearings.

Mr. ALVAREZ. They have been very helpful, your staff.

Mr. DE LUGO. Thank you. Thank you very much. Thank you all.

Mr. SANTIAGO VALIENTE. Thank you, Mr. Chairman.

Mr. DE LUGO. We also want to thank WSO Radio and SIN in New York, both of which carried this broadcast live. It is a real public service. As an old radio man, I appreciate that.

With that, the Committee will stand in recess until our hearings on August 3, unless we convene before that time with the witness from the administration. Thank you all.

[Whereupon, at 6:40 p.m., the Subcommittee was adjourned.]

