

Committee on Resources

Witness Testimony

TESTIMONY
OF
THE HONORABLE CHARLES A. RODRIGUEZ,
PRESIDENT OF THE PUERTO RICO SENATE,
BEFORE THE
HOUSE RESOURCES COMMITTEE

ON H.R. 856

"UNITED STATES-PUERTO RICO POLITICAL STATUS ACT"
SAN JUAN, PUERTO RICO
APRIL 19, 1997

Chairman Young, Ranking Democrat George Miller, distinguished Members of the Resources Committee and other Members of Congress.

On behalf of Governor Pedro J. Rosselló and our 3.7 Million U.S. citizens I welcome you to Puerto Rico.

Today I come before you representing the New Progressive Party of which the Governor is President. I come before you as well as the President of the Puerto Rico Senate.

In both capacities I support the Committee's tireless efforts over the last three years, in the exercise of its responsibilities under the Constitution's territorial clause, toward crafting federal legislation that will finally offer Puerto Ricans, for the first time, the right to freely determine their political status and to resolve our century old political relationship with the United States under a congressionally sponsored plebiscite.

We have talked long enough in Puerto Rico about our political status. We have talked for a hundred years. It is time now to act and to find out how strong is the creed of equality, democratic values and pluralism of our Nation, once the voice of the People of Puerto Rico is heard in the proposed 1998 plebiscite.

Today I want to make three essential points.

First, that the constitutional integrity of the status options offered in the 1998 plebiscite must not be compromised. These options must reflect what is constitutionally attainable within Congress' powers under the Territorial Clause and they must honestly describe to the People of Puerto Rico what is legally possible. Not what is inconsistent with the Constitution, impractical economically or politically or subject to the vicissitudes of future negotiations. The People of Puerto Rico are closely monitoring these events and they are expecting a clear and precise message from Congress of what may constitutionally be offered in the definitions of the three competing formulas.

For these reasons the Committee should adopt, in their entirety, the three status option definitions as set forth in the proposed legislation. Congress must state with clarity that the U.S. citizenship cannot exist in a status formula with sovereign powers.

Second, that it is important that the process you have developed to provide for full self-government for the Island through the self-determination of the People of Puerto Rico, in conjunction with the federal government, must not be compromised, either.

It is crucial that the process is sound, all inclusive and provides a peaceful, democratic and internationally recognized process for all persons, parties and interests in the Island to finally resolve Puerto Rico's 500 year march toward full self-government.

Finally, your presence here and H.R. 856, and its predecessors H.R. 3024 and H.R. 4281, owe a great deal to the initiative of the Puerto Rico Legislature's two concurrent resolutions seeking Congress' response to our Island's ambiguous political status left unresolved by the 1993 plebiscite. We hope to continue to work with you to realize our objective: a 1998 plebiscite in which full self-government for Puerto Rico is initiated.

As the Governor's representative, I want to reiterate our party's support of the definition of statehood contained in H.R. 856. We believe that it fairly and accurately reflects both the benefits and obligations statehood entails. It should be adopted in its entirety as the statehood ballot option for the status plebiscite scheduled for 1998.

Puerto Ricans should be well informed of what statehood means under this definition. They should know that statehood is the only formula that guarantees our U.S. citizenship, putting us on an equal footing with all other Americans.

They should know that statehood is the only formula that guarantees the protection of the U.S. Constitution. They should know that statehood is the only formula that guarantees the presidential vote and the election of two senators and at least six members of Congress who will shape the laws that affect our daily lives. They should also know that statehood is the only formula that guarantees the American citizenship to our children, grandchildren and all future generations born in Puerto Rico.

They should know that only statehood guarantees the entire application and full funding of federal programs, which will be provided to the State of Puerto Rico on parity with the rest of the states of the Union.

They should know, too, that these benefits -- citizenship, equal rights, full funding -- carry with them the duty to pay federal taxes. A duty that will ultimately be offset by a corresponding reduction in Island taxes as federal funds compensate for local outlays.

They should know that the fifty-first State of Puerto Rico, can continue to have both English and Spanish as its official state languages. A right reserved and guaranteed to all other states under the Constitution's Tenth Amendment. A right that can only be changed through a constitutional amendment made applicable to all the states, not just one or a few. They should know the commitment of our Nation to democratic values, multiculturalism and pluralism, all central to the American Dream.

One thing that we already know is that when the Nation has required our presence, in the battlefields in the First and Second World Wars, Korea, Vietnam, the Persian Gulf War, Somalia and Bosnia, we have been in the front lines. Attesting to our commitment to democratic values and ideals, I invite you to visit the Memorial dedicated by the People of Puerto Rico, in recognition of the hundreds of their fellow citizens

from the Island who made the ultimate sacrifice for our Nation.

Puerto Ricans are so committed to their American citizenship and to our relation with our Nation that in a poll conducted by a local paper in July 23, 1990, 43.5 percent expressed that if Puerto Rico becomes a sovereign nation, they would move to the continental United States; 42 percent said they would remain and 15 percent expressed to be undecided. The poll revealed that 60 percent of our youth would move to the United States. If the same question is polled today the numbers would be even higher than those in 1990. In a more recent poll, 91 percent of those interviewed stated that U.S. citizenship was very important. Surprisingly, 53 percent of independence supporters polled said they consider U.S. citizenship important!

In sum, the statehood definition clearly and precisely declares to voters that it is the only formula that puts Puerto Rico on an equal footing with all the other states and confers on its residents the same constitutional rights and responsibilities as all other U.S. citizens enjoy.

It is a restatement of the principles of the U.S. Constitution as it applies to all the states and to all American citizens. As such it tells Puerto Ricans what Congress and the President can confer on a new State of Puerto Rico.

The same, unfortunately, can not be said for the definitions offered up by either the commonwealth or independence proponents. Both seek to revert to status option descriptions similar to those offered in 1993 which promised that which was constitutionally, politically and economically unattainable.

The commonwealth proposal once again, disingenuously, promises voters the best of all worlds: guaranteed U.S. citizenship, permanent ties with the U.S., full federal program funding and no federal income taxes! And, if that's not enough, it even demands that the new commonwealth of Puerto Rico should retain a veto over any changes in its relationship with the U.S. and that it be exempted from specific federal laws!

Now, there are three things to be said for this definition. First, it calls for the creation of the new commonwealth through a compact with the United States. Such a proposal is clearly outside the U.S. Constitution and therefore illegal.

The Constitution recognizes only states, territories and the existence of other independent sovereigns. The compact that is sought here can only be negotiated between an independent Puerto Rico and the U.S., not between the territory of Puerto Rico and the U.S., whose Congress has responsibility for its affairs under the Territorial Clause.

Secondly, even if such a compact was possible, the demands for veto powers and federal exemptions would remain outside the authority of Congress to legislate. As federal judge Jackson said just last week, in striking down the Presidential Line Item Veto, the Constitution alone controls the way in which governmental powers shall be exercised. Congress can neither delegate constitutional responsibilities nor selectively abrogate the Constitution.

In this respect this definition is less than candid. What it fails to say is that under the Territorial Clause, Congress cannot constitutionally cede its authority over Puerto Rico, but rather, it still retains its plenary powers to change, modify, alter and revoke laws affecting the territory. In other words, the definition of the status quo in H.R. 856 accurately relates to voters that the Constitution and laws of the United States apply to Puerto Rico as determined by Congress.

Finally, regardless of constitutional impediments, does anybody really believe that the American People, acting through the Congress and the President, would ever grant a U.S. Territory all the prerogatives of statehood, a veto over the applicability of its laws and no responsibility to pay its own way? The answer is a resounding no!

The fact remains that the proposed Commonwealth definition is just another attempt to perpetuate a ruse on the People of Puerto Rico knowing full well that attainment of its objectives is an impossibility.

This sham should not be allowed to continue.

Mr. Chairman, the definition of the status quo in H.R. 856 clearly and succinctly sets forth Puerto Rico's current territorial condition. It should not be tinkered with. This ballot definition must tell voters exactly what is constitutionally, politically and economically possible, not what someone wishes for. It does just that.

Not so with the definition for separate sovereignty submitted by the Independence Party. Paragraph 5 clearly is misleading as it seeks to convey the impression that Congress will commit itself and future Congresses to levels of economic assistance to an independent Puerto Rico equal to current federal outlays, to the establishment of free trade between both nations and to the free transit between the two countries of their citizens.

It is a fundamental constitutional principle that one Congress can not bind another and the insertion of such a clause would be both non-binding and deceptive to voters who were not familiar with Constitutional Law.

H.R. 856, on the other hand, correctly addresses the issues raised by the independence proponents. It refers to the eligibility of a new Puerto Rico sovereign for U.S. assistance but at levels subject to agreement between the two nations.

And, furthermore, it recognizes that Puerto Rico under separate sovereignty is outside the customs territory of the U.S. and trade between the U.S. and Puerto Rico would have to be based on a treaty. While it does not directly address the transit of citizens of both nations it is implicit that issue, too, would be the subject of a treaty.

Again, the independence proposal attempts, as it did in 1993, to substitute promises for actuality and hopes for fact. Like the commonwealth definition it seeks to offer not reality but pie-in-the-sky.

Chairman Young, as stated in the letter signed by you and Chairmen Burton, Gallegly and Gilman on February 29, 1996, in response to the results of the 1993 plebiscite "[t]here is a need for Congress to define the real options for change and the true legal and political nature of the status quo, so that the people can know what the actual choices will be in the future."

That you have accomplished with H.R. 856. The status options as defined in the bill meet your criteria. They should stand as written, or otherwise the self-determination process will be compromised as it was in 1993.

That process is important, too. Unlike previous initiatives this process involves both Congress and the Puerto Rican People. Congress is defining the options thereby leaving no doubt about their constitutional, legal and political viability. Either of the choices for full self government can be achieved or the status quo

can be retained if that's what the voters choose.

The importance of this cannot be overstated. The 1998 plebiscite campaign will be free of the demagoguery and rhetoric characteristic of past status votes where one party or the other impugned the legality of one or more of the options or questioned congress' willingness to implement the results.

Rather, this campaign will be waged on the merits of the status options: what's good for Puerto Rico and for Puerto Ricans, what can be done and the implications of choosing one path over another.

Secondly, the bill encompasses all status options thereby establishing its credibility and claim to inclusiveness. Every legitimate internationally recognized status option is offered to voters of every persuasion. A democratic process that denies no one their say but one which recognizes that the majority rules.

Putting on my Senate hat, let us remember that it was the Puerto Rico Legislature that requested Congress to respond to the results of our 1993 plebiscite in which none of the options, for the first time since 1952, received a majority vote among our electorate.

Absent a consensus on Puerto Rico's status -- what it should be now or in the future -- and the impending centennial of U.S. administration over the Island, we believed that it was up to Congress to exercise its responsibilities under the Constitution's Territorial Clause.

First to determine if the winning 1993 formula, commonwealth, could be implemented and, if not, what specific status alternatives it was willing to consider. Secondly, having determined those options, to sponsor a plebiscite in 1998 in which the People of Puerto Rico could take the first steps to decolonization through a process of self-determination leading to full self-government.

H.R. 856 is the final manifestation of Congress' response to our two Concurrent Resolutions. And, as I have already stated, it is a clear and definitive framework providing both legitimate status options capable of implementation and a self-determination process consistent with democratic norms and internationally accepted practices. H.R. 856 should be enacted as written.

We believe, however, that our journey together has just begun. While I am confident that Puerto Ricans will choose statehood in 1998, the Puerto Rico Legislature and the U.S. Congress will still have much work to do in order to provide for both the transition and implementation stages to statehood, not to mention the final enabling legislation. All of which must be approved by the Congress, our Territorial Legislature, Puerto Rico's residents, the President, and our Governor.

I am deeply gratified that the Resources Committee is fulfilling its constitutional obligations under the Territorial Clause and that both the Full House and the Senate will likewise act to provide for Puerto Rico self-determination and full self-government.

The Puerto Rican People through its elected leaders in the Legislature has made its will known to Congress. With your continued assistance Puerto Rico and the residents of this island will enter the next millennium confident in their future as first class American citizens full participants in the American Dream. The conscience of the democratic world will be closely watching this process. The international community will finally judge the firmness of our Nation in respecting the will of the People of Puerto Rico freely expressed in 1998. A democratic process which will be an extraordinary test for to the democratic institutions of our

Nation.

Puerto Rico stands as the final frontier of the U.S. promise of the American Dream to all who live within its national borders. After 500 years of colonialism, 100 under the U.S. Flag, it is time to provide the people of Puerto Rico with full and equal access to that dream. A dream whose constitutional underpinnings we have defended abroad with valor for over 80 years.

Thank You.

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