

Committee on Resources

Witness Testimony

Testimony by
AFIRMACION FEMINISTA DEL ESTADO LIBRE ASOCIADO (AFELA)
during the
LEGISLATIVE HEARING OF THE COMMITTEE ON RESOURCES OF THE U.S. HOUSE OF
REPRESENTATIVES
Held in San Juan, Puerto Rico, on April 19, 1997
Presented by Margarita Benitez, AFELA Spokesperson

1. ON THE COMPOSITION AND PROJECTION OF AFELA

AFELA is an organization of women of independent views who believe in the autonomist ideal. As historians, attorneys, social scientists, educators and public servants, we have scrutinized the Young Bill, put it under the microscope, so to speak. For the record, although normally we would welcome a bill seeking "a process leading to full self-government for Puerto Rico," we must oppose this Bill as it stands. We have documented and must decry the inaccuracies, omissions and exclusions of the Bill, from its initial section on "Findings" to its final section on "Availability of Funds," which attempts to legislate regarding funds that by law pertain to the Government of Puerto Rico. 1 In this footnote we summarize some of the principal inaccuracies, omissions and exclusions of the Young Bill:

(a) The terms "sovereignty," "nationality," and "citizenship" are used indistinctly. These terms are not equivalent, and their indistinct use confuses Puerto Ricos historical and political relationship with the United States.

(b) The constant and unspecific use of the term "territory" with regard to Puerto Rico throughout the "Findings" section makes it impossible to pinpoint precisely the stages of Puerto Ricos historical and political development in its relationship with the United States during the twentieth century.

(c) It fails to mention that an amendment to the Constitution of the Commonwealth of Puerto Rico introduced by Congressman Meader in 1952 to the effect that Congress had not made an irrevocable delegation, transfer or release of its powers under the territorial clause of the U.S. Constitution, was defeated by the U.S. Congress. 98 Cong. Rec., No. 92, May 29, 1952, pp. 6184-6185.

(d) The reference to **Harris v. Rosario** decision fails to mention that the Court did not have before its consideration, nor did it attempt to adjudicate the issue of Puerto Rico, the Congress, and the territorial clause. It also fails to mention all the decisions of the Supreme Court of the United States, before and after **Harris v. Rosario**, which recognize the sovereignty of Puerto Rico regarding matters not governed by the Constitution of the United States. We wish to put AFELAs work at your disposal and that of the people of Puerto Rico. Although this hearing is the first opportunity you have provided for organizations such as ours and other representatives of citizens organizations, we must express our dismay at the offensive conditions you have placed on those who wish to testify. 2 AFELA joins in the protest filed by the Congreso Nacional Hostosiano in view of the restrictions and requirements announced by the Committee, which include the possibility that witnesses be sworn in, the establishment of a two-to-five minute limit for each testimony

and the

requirement that 100 copies of each testimony be provided to the Committee at the expense of the witnesses.

2. A DENOUNCEMENT OF EXCLUSION

As women and as Puerto Ricans, we AFELA members are very familiar with exclusionary politics. We therefore strenuously object to the way that the Young Bill excludes vital sectors of our society, and the way it distorts the historical, juridical, cultural and linguistic tradition of the Puerto Rican nation.

The Bill, intentionally or not, excludes the status formula, i.e. Commonwealth, preferred by Puerto Ricans for more than four decades. 3 In Section 2, paragraph 15, lines 12 to 20 of the Bill, the Commonwealth formula is excluded as an option of "full self-government," among which, on the other hand, statehood is recognized. This clearly reduces and limits the existing measure of self government. It was excluded altogether from the original version of the Bill, and it is still absent from the version now under consideration. While the word Commonwealth may now be mentioned in the text, its true definition was not included. Not a single individual among those of us who have won every plebiscite held in Puerto Rico since 1952 recognizes the "Commonwealth" as defined by the Young Bill.

The Commonwealth is a decolonizing formula, recognized as such since its inception by the highest officials of the United States. 4 According to the Honorable Earl Warren, Chief Justice of the Supreme Court of the United States, "In the sense that our American system is not static, in the sense that it is not an end but the means to an end -- in the sense that it is an organism intended to grow and expand to meet varying conditions and times in a large country -- in the sense that every government effort of ours is an experiment -- so that new institutions of the Commonwealth of Puerto Rico represent an experiment -- the newest experiment and perhaps the most notable of American governmental experiments in our lifetimes." In the film documentary about his presidency, *Decision: The Conflicts of Harry Truman*, President Truman affirms: "I would not force any sort of government on the Puerto Rican people... if they didnt want it themselves... (After 1952) Puerto Rico had a new constitution and free government and they had received it through the realities of the people themselves voting on it -- the death knell for colonialism so far as the Western hemisphere was concerned." It is the only decolonizing formula successfully achieved by Puerto Rico in the twentieth century. Without a doubt, Commonwealth status has made possible the political democratization, economic development, and cultural affirmation of the Puerto Ricans, all of which are essential elements in a true decolonizing process. It is well to remember that decolonization is indeed a process, not a state of being.

Whoever denies that a decolonizing process was initiated by the adoption of the Commonwealth of Puerto Rico, either ignores or grossly distorts our history and our reality. The self determination of Puerto Ricans, as expressed repeatedly in the polls, has called for a continuation of the innovative route begun in the 1950s. Through this way, we have chosen to continue to make history and provide an example to the world of possible forms of collaboration and understanding between a large nation and a small one. The Young Bill clearly ignores this history that honors, not only Puerto Rico, but the United States as well. In truth, the so-called decolonizing intent of the Young Bill is patently colonial and reactionary. It neither recognizes the process of self determination engaged by the Puerto Ricans in their three plebiscites, nor does it take into consideration agreements and advances achieved by our two countries since 1952.

The Bill also fails to acknowledge Spanish, our vernacular, as the rightful language of the Puerto Rican

people. To claim that English and Spanish have been spoken equally in Puerto Rico is, again, a distortion of our history and our linguistic reality. To claim that English is the source of all powers, as this Bill does, demanding its usage by the state government, the courts, and the education system, would turn the great majority of Puerto Ricans into a minority in our own land. To replace our Spanish language with another language would mean our spiritual destruction. This Committee would do well to remember that the resistance of the people of Puerto Rico in the first half of this century resulted in total failure when such language replacement was attempted then.

In connection with the Congressional hearings on Puerto Ricans status held in Puerto Rico in March 1990, a large group of political, cultural and civic leaders, signed and published an open letter titled Spanish is Not Negotiable, which affirms that for the Puerto Rican people, individually and collectively, the Spanish language is not negotiable under any circumstances nor status formula. Signers of this open letter included the current governor of Puerto Rico and the National Committeewoman of the Republican Party in Puerto Rico. 5 The Open Letter to the U.S. Congress, "Spanish is Not Negotiable," signed by leaders of all political and cultural sectors of Puerto Rico, among them our current Governor, Dr. Pedro Rossello, is attached to this paper.

3. IN SUPPORT OF THE PARTICIPATION OF PUERTO RICANS LIVING ABROAD IN ANY STATUS PLEBISCITE

The determination of the political status of Puerto Rico cannot and will not take place without the participation of Puerto Ricans from all sectors. The fact that the Puerto Rican nation for many years has expanded beyond our islands shores must be taken into account.

One million Puerto Ricans migrated to the United States between 1945 and 1965, fully one third of our population during a 20-year period. This marks one of the largest migrations in the history of humanity. Even to this date, migration between Puerto Rico and the United States continues to be numerous and ongoing. Today there are 3.5 million Puerto Ricans residing in Puerto Rico and 2.7 million Puerto Ricans in the United States who identified themselves as such in the 1990 Census. How in the world could such an integral and massive part of our people be excluded from this process of determining our future when it could very well be their future a month, a year, a decade from now? Everyone is aware that to identify oneself as Puerto Rican in the United States is to face discrimination and prejudice. One must have lived in the United States to understand what it means to be a minority. Those who affirm their Puerto Rican nationality, not when it is convenient to do so but when they pay dearly for it, those who have lived under statehood with all its advantages and disadvantages but yet choose to assert themselves as Puerto Ricans, cannot be excluded from a Puerto Rican plebiscite.

4. THE IMPORTANCE OF CONSENSUS REGARDING OBJECTIVES AND PROCEDURES

The most important accomplishments of Puerto Ricans as a nation have only been possible when we have reached consensus on our objectives. Consensus has been one of the pillars of our democracy. The future of all Puerto Ricans can be determined only if we can reach an agreement over principles and procedures about how to attain what is best for our country. Naysayers and skeptics may think consensus is impossible. However, in recent years in Puerto Rico, we have achieved it on such allegedly divisive matters as the primacy of our Spanish language and the demand that Puerto Rican political prisoners who are in United States jails be set free. 6 A statement endorsed by a wide range of opinion leaders, including New Progressive Party leaders, is attached to this paper.

Even more important to the Bill in question, consensus was sought and reached in Puerto Rico, and with the United States Congress during the plebiscite process of 1989-91. It must be reached again. 7 AFELA proposes that the procedures agreed upon by the three principal political parties in Puerto Rico and unanimously accepted by the U.S. Congress for the 1989-91 plebiscite be adopted. In summary, we advocate a precise definition of each status formula prepared by its proponents and acknowledged by Congress; that Congress make clear its position regarding the language to be used by the legislature, the judiciary, government offices and the education system in Puerto Rico under statehood; that a second vote be held among the formulas with the greatest support if none obtain an absolute majority of the votes cast (more than 50%); and that there be an agreement that the United States government will implement the political status selected by the Puerto Rican people. Only then will the result of any plebiscite be legitimized before this country and before the world. Only then will Puerto Ricans be willing in good faith to accept and abide by it.

We fear that ignoring the consensus of a people makes it impossible to resolve Puerto Ricans status in a permanent and pacific manner. It could very well engender violence and unrest such as has been experienced in areas of Africa, Europe, and the neighboring Americas, and as has occurred more than once in Puerto Rico. To place the social peace of a nation at risk is a very serious responsibility, one to which this Congressional Committee cannot remain oblivious.

AFELA invites you to bear in mind that consensus is reached and never imposed. Puerto Ricans must be convinced that the referendum you are proposing is valid and just. This has not yet occurred, but if all the vital sectors of our community are given participation in its planning and execution, it certainly can happen. AFELA fervently prays this will come to pass. To this end, we urge this Committee:

- * to commit itself and abide by the self determination of the Puerto Ricans, and
- * to encourage the search for agreement, both in terms of processes and principles, among us who are the real actors in this history --we, Puerto Rican men and women from both shores of a nation called Puerto Rico, with close links to the United States, but with our own indissoluble and distinct identity.

Thank you.

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