

TESTIMONY of Carlos Romero Barceló, Former Governor of Puerto Rico

House Natural Resources Committee

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As we discuss H.R. 2499, we must ask ourselves – Why are we involved in seeking congressional action to sanction a “self-determination process for the people of Puerto Rico”?

In the first place, because the vast majority of the people of Puerto Rico are not satisfied with the existing legal, constitutional, political and economic colonial relationship with our Nation, called “Commonwealth”.

In the second place, because we, the vast majority of American citizens in Puerto Rico, believe in democracy. We are tired of and upset with our undemocratic colonial (or territorial if you wish) relationship with the nation of our citizenship, where we are denied the right to vote in National elections and to be fully represented in Congress. We have been disenfranchised American citizens for 92 years. It’s time to end it.

In the third place, because our so called “commonwealth” relationship with the federal government has been rejected by a majority of the voters in the last two referendums held in 1993 and 1999. Therefore, we are now being ruled by the President and Congress without the consent of the people of Puerto Rico.

And in the fourth place, because we are tired of being lied to and hoodwinked by the political leaders who advocate and defend the disenfranchisement of all American citizens in Puerto Rico; by those who cynically claim to believe in democracy, yet are willing to remain disenfranchised forever, as long as they don’t have to pay federal income taxes; and by those

who want to participate and be treated equally in all federal programs, but do not want to contribute to the U.S. Treasury, as do our fellow citizens in the fifty (50) states.

H.R. 2499, like its predecessor H.R. 900, seeks to move Congress and the President into more active roles in providing the 4,000,000 disenfranchised American citizens in Puerto Rico, with a process by which to achieve full sovereignty or to share the Nation's sovereignty as equal partners with the 50 states of the Union.

In order to provide a process which will achieve a solution to Puerto Rico's unsolved states dilemma, we must start by officially unmasking "Commonwealth", so that the U.S. citizens of Puerto Rico will not be lied to and deceived.

Our people, our fellow citizens in the fifty states, and the world, have been lied to since our "commonwealth" constitution was adopted in 1952. As I have more fully explained in my column in Caribbean Business on June 15, 2009, (copy of which is attached hereto) when the bills authorizing the drafting and adoption of our local constitution were in the process of being considered in Congress, Gov. Muñoz Marín wanted the name "Free Associated State", which is the proper translation of "Estado Libre Asociado", to be used in the bills to be considered by Congress. But, his legal advisor and lobbyist, Abe Fortas, warned him that the name "Free Associated State" would never be approved by Congress, because it was obviously misleading. Puerto Rico was not a state, nor free, nor associated. Puerto Rico was a United States Territory subject to article IV, sec. 3 of the U.S. Constitution, known as the territorial clause.

On the other hand, the word "commonwealth" has no specific meaning and is applied to any "body politic", such as a state, territory or province.

As a matter of fact, we have four states in the Union whose official name is "Commonwealth", instead of "state". They are: Kentucky, Pennsylvania, Massachusetts, and Virginia. Instead, of clarifying the political and legal relationship, the name "commonwealth" opened the doors for the biggest political hoax ever perpetuated upon the people of Puerto Rico, our fellow American citizens, the Latin American countries and the United Nations.

Puerto Rico was touted as having become a fully self-governing "commonwealth". The truth of the fact is that Puerto Rico didn't achieve any more powers or control of government affairs than it had as a territory. In the "Commonwealth of Puerto Rico" the supreme law of the land is the Constitution of the United States, followed by federal laws, which prevail over our own local constitution and our local laws. We are subject to the laws passed by Congress. Laws dealing with taxation, minimum wage, unfair labor practices, commerce, health care, banking, transportation, communications, criminal acts and many others which are enacted by Congress without our consent, however, they are fully applicable in Puerto Rico.

Since 1898 we have been, and still are, governed by the President and Congress without our consent. Before 1952 we were a colony by conquest, as a result of the Spanish American War in 1898. In 1952, the U.S. citizens in Puerto Rico were enticed and led to vote to become a colony by consent. By voting for "commonwealth", the people consented to the colonial relationship. The consent was obtained by misleading the people into believing that we were becoming a fully autonomous body politic.

The "Commonwealth" supporters, who have continuously lied to and misled our people, now demand "consensus" in the decolonization process. They demand "consensus" because they know that "consensus" will never be achieved. They will never agree to a true and clear definition of the legal, political and economic relationship between the 4,000,000 American citizens in Puerto Rico and our fellow citizens in the fifty states. If they refuse to tell the people of Puerto Rico the truth, a "consensus" will never be achieved.

To accept or insist on "consensus" is to become an accomplice to the lies perpetuated on our people since 1952. The commonwealth supporters object to the truth regarding the legal, political and economic relationship between Puerto Rico and the fifty states. They also object to telling the people the truth about what full sovereignty would mean in relation to our American citizenship, and how Congress would react to the proposal of a sovereign nation fully populated by U.S. citizens, not subject to Congressional authority. In Congress, that's a no-no.

If Lincoln had sought "consensus" between those who demanded the emancipation of slaves and those who defended slavery, the Emancipation Proclamation would never have been signed

and the history of our nation would be very different from what it has been. Most probably Barack Obama would not be our President today.

If the President and Congress had sought "consensus" before the Civil Rights Act and the Voting Rights Act were enacted, would they have been considered and enacted when they were? Of course not. They were passed because the majority ruled, as it should be in a democracy.

The proposals and arguments of the minority must be considered and analyzed. But, to require a "consensus", is to turn our democratic system upside down and allow the minority to prevail, by allowing them to veto the majority's proposal.

No one can disagree that Puerto Rico needs to solve its status dilemma, but so does our Nation. The United States cannot remain and act as the inspiration and example of democracy throughout the world, while it maintains 4,000,000 of its citizens, disenfranchised and deprived of representation in their nation's Congress. Such a disenfranchisement and denial of representation is anathema to democracy.

How can our Nation spend billions of dollars to bring democracy to Iraq, where it isn't appreciated and the majority probably is not sure they even want it, while it denies the right to vote and the right to representation to 4,000,000 of its citizens. Why is it right to impose democracy by force in Iraq, while it is considered unfair to tell the truth to 4,000,000 American citizens so that they can make an intelligent and realistic choice?

In 1952, P.R.'s Constitution was adopted in a referendum held in spite of the opposition of the then second largest political party; the Independence Party, which proposed independence for Puerto Rico. Did Congress require "consensus" then? No.

In 1967 a plebiscite was held by the majority party, the Popular Party, and the three options: commonwealth, statehood and independence were defined by the Popular Party. The opinions and proposals of the Statehood Republican Party and the Independence Party were disregarded. Both opposition parties boycotted the plebiscite. There was no consensus in 1967.

Now the Popular Party demands "consensus", because it doesn't want any referendum which presents to the people, the true facts of our relationship with our fellow citizens in the fifty states. They know that if the naked truth is presented to our people, the so called "commonwealth" will be soundly rejected.

If the people want an association with the United States as the sovereign nation of Puerto Rico, that is a relationship to be negotiated after Puerto Rico becomes a separate sovereignty if the people so chose.

For the reasons set forth above, the New Progressive Party promised the people of Puerto Rico in its party platform, submitted to the voters in 2008, that it would propose and promote a congressionally sanctioned plebiscite.

The New Progressive Party's candidate for Governor, Luis Fortuño, won by a landslide with a majority of more than 225,000 votes. The largest majority obtained by any candidate for Governor since the early 60's. The results were a clear mandate for his proposed socio-economic alternatives and for fulfillment of the promise to promote a congressionally sanctioned status plebiscite.

In furtherance of our party's and our Governor's commitment to propose a plebiscite sanctioned by Congress, our Resident Commissioner, Pedro Pierluissi, together with numerous members of Congress, introduced H.R. Bill 2499.

In representation of the New Progressive Party, which achieved a landslide victory in the House and Senate elections in 2008, we wholeheartedly support the proposal of a federally sanctioned self-determination process proposed by Resident Commissioner, Pedro Pierluissi, in H.R. 2499.

However, we propose that H.R. 2499 be amended, or a substitute bill presented, which incorporates more precise and clear definitions of the alternatives to be submitted to the voters, such as those contained in H.R. 900, filed by Congressman José Serrano and Luis Fortuño, joined by the Chairman of this Committee, Nick Rahall, Don Young, Steny Hoyer and many others.

The wording of the ballot proposed for the First Plebiscite on page 4 of H.R. 900 is more precise and clear than the language proposed in H.R. 2449 for the ballot on the First Plebiscite. The only change I would propose to the language in H.R. 900 would be to eliminate on page 4, the word "basic" which precedes "laws" in the third line of subparagraph (1). The paragraph would read as follows:

"(1) Puerto Rico should continue the existing form of territorial status as defined by the Constitution, laws and policies of the United States. If you agree, mark here ____."

The rest of bill H.R. 900 is not only clearer and more precise in the definitions and choices to be submitted to the voters, than H.R. 2499, but it was discussed at length with the New Progressive Party leadership, and was enthusiastically endorsed. H.R. 2499 has just been recently distributed to the party leadership, but has not yet been discussed in detail.

I propose that H.R. 900 be redrafted with minimum changes, such as eliminating "Sec.2 Findings" starting on page 2, line 8, up to page 4 line 8. Eliminate also the word "basic" as indicated above, and eliminate subparagraph (2) of paragraph (d) on page 7, beginning on line 17, and ending on page 8, line 2.

With the changes indicated above, H.R. 900 should be filed as a substitute bill for H.R. 2449.

All definitions and proposals in H.R. 900 are clear, concise and true. It presents the choices as they are, leaving little room for misleading and lying as to what is the reality and what is constitutionally, legally and politically achievable. It protects the U.S. Congress from becoming an accomplice to the lies and demagoguery of the previous plebiscites. If the explanation of the "commonwealth" status option is not politically or economically attractive is because in reality, it isn't. Why should Congress allow them any room to misrepresent their option?

No. The time has come for the United States to fulfill its responsibility, and its commitment to put an end to colonial relationships wherever they exist and to bring the blessings of democracy to all throughout the world while respecting the sovereignty and the cultural differences. President Obama is committed. Congress can do no less. Why not begin at home, with Puerto Rico.