

PUERTO RICO STATUS

FIELD HEARING BEFORE THE COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

H.R. 856

SAN JUAN, PUERTO RICO, APRIL 19, 1997

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ley, los puertorriqueños se reputarán nacidos en Estados Unidos. O sea, ya cambia de una ciudadanía obtenida por medio de legislación, a una obtenida una que se torna constitucional.

Como le digo, eso es un debate bastante profundo... Me está también [Another voice] Que como hemos dicho antes, hay un asunto político que... Es más importante que este jurídico.

Mr. RODRIGUEZ-ORELLANA. Y solamente permítame aclarar una cosa de mi contestación anterior. Me refiero al poder que tiene el Congreso para quitarla prospectivamente. Retroactivamente, ya eso es otro problema constitucional. Mi contestación anterior se refería a quitarla prospectivamente.

Mr. UNDERWOOD. Well, perhaps fortunately for all of us, most of the members in the current Committee are not lawyers, at this moment.

OK, thank you very much.

Mr. KENNEDY. OK. I would like to have the fourth panel come up: Kenneth McClintock-Hernandez, Angel Cintron-Garcia, Zoraida Fonalledas, Etienne Totti del Valle, Ivar Pietri, and Hector Reichard. Thank you.

I would like to have the Honorable Kenneth McClintock-Hernandez begin for this panel.

STATEMENT OF KENNETH McCLINTOCK-HERNANDEZ, DESIGNEE FOR THE PRESIDENT OF THE SENATE, SENATE OF PUERTO RICO, SAN JUAN, PUERTO RICO

Mr. McCLINTOCK-HERNANDEZ. Thank you.

I will address you in English, the language several Harvard, Yale, and Oxford antistatehood witnesses here today have collectively chosen to forget for political grandstanding purposes.

I first appeared before this Committee as a teenager to oppose a bill endorsed by the Popular Democratic Party that would have changed Puerto Rico's political status without a vote from the people of Puerto Rico. Twenty-one years later, after being elected twice to the Senate and having recently been elected by fellow state legislators and Governors as vice chairman of the Council of State Governments, I appear once again to support the Young bill, which for the very first time would provide a congressionally mandated opportunity to determine Puerto Rico's political status.

During those 21 years, I have spent perhaps half of my time and energy fighting for equality. The political indecision that past congressional and local inaction has represented exacts a terrible toll on our people. It divides our families, our communities, and our body politic, and it imposes a huge economic burden.

During 5 years in the Senate, I have been able to sample the economic costs that the status quo imposes on our people, many of which can't be adequately quantified, but that certainly cost us billions of dollars every year and hundreds of thousands of jobs. In many ways, we remain separate and unequal. Plessy v. Ferguson still lives in Puerto Rico.

In the air transportation industry, for example, most airlines treat us as "international"—separate and unequal. Considering that most fellow Americans prefer domestic travel—"See America First"—over international travel, every time American Airlines

switches you to their "international" desk when you attempt to book a flight to Puerto Rico, damage is done to our tourism industry.

It gets worse: In spite of having your boarding pass and having gone through the FAA-required security check, Delta Airlines forces you to stand in line again to obtain an "International Boarding Control Number." You certainly get the impression you are on your way to a "banana republic." In the entertainment industry, Puerto Rico is also treated as a foreign market—separate and unequal. The rights to American TV programming are sold here under international syndication, forcing cable TV systems to block out many broadcasts from the mainland, including the Olympics and other sporting events, pageants, and other programming, thus depriving American citizens of timely, quality programming. While, thanks to legislative pressure, movies no longer open months after opening on the mainland, many still take weeks to arrive on the island because, once again, we are separate and unequal. In commerce, many multinational companies treat Puerto Rico as part of their international, rather than domestic, operations—once again, separate and unequal. May I show you the most recent example. I am sure you haven't missed McDonald's anniversary 55-cent national promotion, applicable from Bangor to San Diego, from Key West to Anchorage. But it doesn't apply in what, evidently, McDonald's considers the "banana republic of Puerto Rico," depriving our consumers of the savings available to the rest of their fellow Americans stateside.

McDonald's is not alone. A few years ago, as we attempted to resolve a constituent's problem, we had to deal with Chrysler International—in London, England, of all places—rather than Chrysler Corporation in Detroit. In the interest of time, I will not go on and on with the many examples of economic discrimination that political indecision and the status quo foster. Our political status debate transcends hamburgers, plane tickets, and TV programs, but the untold examples demonstrate that the spirit of *Plessy v. Ferguson*—separate and unequal—pervades every aspect of our lives and imposes exacting tolls on society as a whole, depriving us of the equal protection that American flag is supposed to provide. The enactment of H.R. 856 provides the only real chance for an end to the economic segregation of Puerto Rico and the hope that some day we may be treated as equals, should that be the choice of the American citizens residing in Puerto Rico, in concert with Congress.

Thank you very much.

[The prepared statement of Mr. McClintock-Hernandez follows:]

**Remarks by
Hon. Kenneth D. McClintock
Senate of Puerto Rico
on HR 856
before the
Committee on Resources
United States House of Representatives**

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**San Juan, Puerto Rico
April 19, 1997**

Mr. Chairman, members of the Committee.

I first appeared before this committee¹ as a teenager to oppose a bill endorsed by the Popular Democratic Party that would have changed Puerto Rico's political status without a vote from the people of Puerto Rico². Twenty one years later, after being elected twice to the Senate³ and having recently been elected by fellow state legislators and governors as Vice Chairman of the Council of State Governments⁴, I appear once again to support the Young bill--which for the very first time would provide a congressionally-mandated opportunity to determine Puerto Rico's political status.

During those twenty one years, I have spent perhaps half of my time and energy fighting for equality. The political indecision that past congressional and local inaction has represented exacts a terrible toll on our people. It divides our families, our communities and our body politic, and it imposes huge economic burden.

During 5 years in the Senate⁵, I have been able to sample the economic costs that the *status quo* imposes on our people, many of which can't be adequately quantified, but that certainly cost us billions of dollars every year and hundreds of thousands of jobs. In many ways, we remain separate and unequal. Plessy versus Ferguson⁶ still lives in Puerto Rico.

In the air transportation industry, for example, most airlines treat us as "international"---separate and unequal. Considering that most fellow Americans prefer domestic travel---"See America First"---over international travel, every time American Airlines switches you to their "international" desk when you attempt to book a flight to Puerto Rico, damage is done to our tourism industry. It gets worse: in spite of having your boarding pass and having gone through the FAA-required security check, Delta Airlines forces you to stand in line again to obtain an "International Boarding Control Number". You certainly get the impression you're on your way to a "banana republic".

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The enactment of HR 856 provides the only real chance for an end to the economic segregation of Puerto Rico, and the hope that someday, we may be treated as equals, should that be the choice of the American citizens residing in Puerto Rico, in concert with Congress.

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*You wanted it to come early.
How does tomorrow morning sound?*



Ask for
any of them
to combat

¹ Hearings by the Territorial and Insular Affairs Subcommittee of the Committee on Interior and Insular Affairs, January 20, 1976, San Juan, Puerto Rico.

² HR 11200, 94th Congress.

³ In the 1996 general elections, the top vote getter among the 19-member pro-statehood majority in Puerto Rico's 28-seat Senate.

⁴ Elected as Vice Chairman in December 1996, Senator McClintock will become Chairman of the Council of State Governments in December 1998. He does not appear in these hearings in that capacity, although CSG's Eastern Regional Conference recently resolved:

"WHEREAS, all necessary rules and regulations respecting territories or other property belonging to the United States is vested in the United States Congress by Article IV, Section 3 of the U.S. Constitution.

WHEREAS, the quadrennial general election conducted on November 5, 1996 produced an absolute majority of Puerto Rico's voters casting ballots for a gubernatorial candidate publicly committed to seeking Congressional sponsorship of a political status plebiscite for Puerto Rico and that same commitment is shared by the Puerto Rico delegate to the United States Congress elected on that date, as well as by over two thirds of the members of both bodies of the Puerto Rico Legislative Assembly.

THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE EASTERN REGIONAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS:

SECTION 1. Urges the One Hundred and Fifth United States Congress to enact legislation that will, no later than the 1998 centennial of the United States of sovereignty over Puerto Rico, provide for a Congressionally authorized mechanism of referenda or plebiscite for political self determination by the American citizens who reside in Puerto Rico.

SECTION 2. Urges the National Executive Committee of the Council of State Governments, at its Spring Meeting, to approve a similar resolution.

SECTION 3. Directs staff to send a copy of this resolution to Council of State Governments' National Officers, the Governor, Speaker of the House of Representatives and President of the Senate of Puerto Rico and its resident Commissioner to the United States Congress."

⁵ From 1993 to 1996, Sen. McClintock chaired the Committee on Federal and

Economic Affairs. His study on IRC Section 936 won national attention, attracting ABC correspondent Sam Donaldson to his office for an interview on ABC Prime Time Live which aired in June, 1993. His early work on that committee led to his midterm appointment as Chairman of the Governmental Affairs Committee, while retaining both chairmanships. During this term, both committees were merged into the Committee on Governmental and Federal Affairs, which he chairs.

⁶ Plessy v. Ferguson, 163 US 537, is the 1896 case in which the United States Supreme Court declared constitutional the separate and unequal treatment of Afro-American citizens, a case which was later struck down in several contemporary cases, notably Brown vs Board of Education of Topeka, 347 US 483, 1953, which held that separate is inherently unequal.

⁷ As a result of hearings chaired by Senator McClintock, movie distributors now make movies available to exhibitors much sooner than before, allowing some to open here simultaneously with their nationwide opening. The delay, however, still averages several weeks.