

**PUERTO RICO STATUS**

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**FIELD HEARING**  
BEFORE THE  
**COMMITTEE ON RESOURCES**  
**HOUSE OF REPRESENTATIVES**

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

**H.R. 856**

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SAN JUAN, PUERTO RICO, APRIL 19, 1997

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Mr. KENNEDY. I would like to have Etienne Totti del Valle.

**STATEMENT OF ETIENNE TOTTI DEL VALLE, ESQUIRE, SAN JUAN, PUERTO RICO**

Mr. TOTTI DEL VALLE. Thank you, Mr. Chairman.

I know you must be tired, and I appreciate your patience. If you are tired after several hours of this, imagine how the people of Puerto Rico feel after centuries of the same old debate.

I earnestly hope what I have to say will do honor to the generations as proud as I am of our heritage and loyalty to the principles embodied in the Declaration of Independence, who have passed from this life with the unanswered hope of leaving a legacy of true democracy and equality for the future generations of our beloved boricuén.

Let us consider some objective facts. In 1917, the Jones Act granted U.S. citizenship to Puerto Ricans. The logical and natural expectation that this would lead to incorporation of the island into the United States and therefore to statehood was soon derailed by the U.S. decision in the Supreme Court of *People v. Balzac*, which branded Puerto Rico as an unincorporated territory.

This is my passport. It is no different from the passport of millions of fellow citizens that reside in the 50 States. Our citizenship is unqualified. In this regard, I respectfully urge the Committee to reconsider the drafting of Finding 2 in Section 2 of H.R. 856, specifically where it states that Congress extended—and I quote—special statutory U.S. citizenship to persons born in Puerto Rico.

The Jones act made no reference to special citizenship. Three generations of Puerto Ricans in my family have proudly served in the Armed Forces of our Nation. Just as our passports are no different, our uniforms are no different. We have no labels allusive to special statutory citizenship.

We are indeed special in many ways, but from the standpoint of citizenship, we Puerto Ricans are as strong as the strongest link that bonds the proud people of the United States of America.

Labeling our citizenship as special can foster misunderstanding. Those of us born in Puerto Rico after the 2nd of March, 1917, were born citizens of our great and glorious Nation. Puerto Rican Americans have died in the stars and stripes uniform since before you were born.

Nearly 4 million citizens live in Puerto Rico. The number of Puerto Ricans living in the mainland has been estimated at 2.5 million. The population of the United States at last count did not reach 300 million.

It is a fact that more than 1 out of every 50 U.S. citizens alive today is Puerto Rican. More than 1 out of every 80 Americans lives in Puerto Rico. It is time, once and for all, to debunk the myth that Puerto Ricans are, objectively speaking, anything other than U.S. citizens.

Subjective identity is another matter. No single subjective identity, whether based on ethnicity, culture, religion, or origin, is incompatible with U.S. citizenship.

As a former chief justice of the Puerto Rico Supreme Court, Emilio del Toro in 1911 wrote: The United States of America was founded upon such stable principles as would permit the conglom-

eration under its flag of all the people of the earth, regardless of their language, their beliefs, their customs, if they coincide on the fundamental idea of respect for human rights and on the guarantee of man's progress toward goodness.

The freedom that our Nation stands for in the eyes of the entire world guarantees my right to be different from you and your right to be different from each of your colleagues, provided we all come together on a small but very basic set of principles and ideals. The major and most transcendental of these principles is equality. So sacred is the tenet of equality that our Founding Fathers began the Declaration of Independence: We hold these truths to be self-evident that all men are created equal.

The present political status of Puerto Rico provides inequality with our fellow U.S. citizens. Residents of Puerto Rico are unequal because our political system, based almost exclusively on status preference, has the practical effect of preventing the free and intelligent exercise of our right to vote. We vote, hostages of the emotion that permeates status politics. This prevents us from selecting among candidates based on rational analysis.

Status politics is a plague that pits one Puerto Rican against another, rendering us pawns in a never ending game that most politicians play. Mainland Americans are free to exercise their right to vote in a political election without regard or concern for status. Therein lies the first measure of our inequality, one that we owe, in part, to the timid aloofness of one Congress after another.

If only we had the Young bill back in 1917 or 1950, we would have been rid of the playing of the status politics which fosters divisiveness. But we have remained unequal throughout the century.

As a constituency of Americans, we are underrepresented. Our congressional representation, though not lacking in quality, is sorely lacking in quantity. The residents of Puerto Rico are recognizing that we lack the power that is essential to representative democracy.

For all proclamations made during five decades about Puerto Rico as a showcase of democracy, the honest to goodness truth is that the United States cannot preach democracy to the world when it has nearly 4 million citizens disenfranchised right here in the Western Hemisphere for all the world to see.

Why is there an exercise of public power over our borders, our forests, airports, communications, environment, water, and postal service, defense, food and drugs, minimum wages, banking laws, immigration and taxes, by a legislature in which we lack total representation, but by government isolation to legislation, we do not participate.

Put yourself in our position, if you will. There is so much that you take for granted that is lacking in our political system. The power will only reside with people when people have a right to vote for leaders that shape our Nation and guide its course through history.

As Americans, we want our rightful political power. We cannot hold the leaders of our Nation accountable; therein, another measure of our inequality.

Consider: The decision of the U.S. Supreme Court in *Harris v. Rosario*, which is the highest court of our Nation, decided an Amer-

ican citizen living in Puerto Rico could be treated differently from citizens residing in States. There was a rational basis for such a disparate treatment.

The Young bill offers more than a glimmer of hope for Puerto Rico. It offers the first opportunity in over 500 years for Puerto Rico to obtain full sovereignty. It offers the promise obtain to achieve full self government. It offers the promise of redemption from status politics, allowing the realignment of orders on the basis of philosophy instead of tribal colors. This piece of legislation progressively seeks to break with the past for this and future generations of Americans living here. The stability that a final status determination will provide shall help the climate for investment in Puerto Rico.

Finally, and most importantly, the Young bill bears the promise of political empowerment for people who will cherish it and exercise it as full participants in all our national concerns. I say this mindful of the fact that the people of Puerto Rico will have a clear and fair opportunity to express a reference for separate nationhood.

Whatever the choice, if Congress follows up by enacting appropriate legislation, Puerto Ricans will united with dignity and political rights in a true democracy. The aspirations and dreams of those who espouse the ideal of a separate republic should have our utmost respect.

We have a great responsibility at this historical juncture. It is imperative that Congress, first, and then the people of Puerto Rico, act with transparent clarity and resolute firmness. I believe from the very depths of my soul that the people of Puerto Rico could never enjoy a greater independence than that available to them, together as one with the other States of the Union.

I respectfully urge you and your fellow Representatives to hold steadfastly to your equitable, moral, and constitutional duties to Puerto Ricans. In order for this long overdue initiative to be successful, any legislation enacted must provide clear choices to Puerto Rico's voters. I believe the Young bill, as drafted, meets that standard. Next, the choices provided must be realistic lest this titanic effort become another exercise in futility.

And finally, as an American, I urge you to view and to support this bill as a means for dignification of American citizenship. In order to form a more perfect Union, our citizenship cannot be viewed nor treated as a commodity to be bartered with. American citizenship is not a passport of convenience to be brandished solely for the sake of the doors that it may unlock and the opportunities that it may offer. Our citizenship entails obligations and loyalties that Puerto Ricans have shown time and again.

Our citizenship entails obligations and loyalties that Puerto Ricans have shown time and again they are willing to assume even at the highest personal cost. The dignification of American citizenship, in our view, requires an unquestioned allegiance to one nation that thrives on freedom and diversity, from Rhode Island to California, from Alaska to Puerto Rico, but loyalty to one republic; allegiance that is true to the concept of *e pluribus unum*.

As Americans, we would do well to ask ourselves what rational basis can exist to request a legacy of citizenship to future generations while seeking to remain forever unequal. The world will watch

closely. Democracy beckons and a government of the people, by the people, and for the people must ultimately result from this initiative. Give the people of Puerto Rico the chance to make a clear choice, to come to grips with their destiny, to allow this daughter of the sea to become one with the land of the free.

Thank you.

[The prepared statement of Mr. Totti del Valle follows:]

**U. S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES  
WASHINGTON, D. C. 20515**

**LEGISLATIVE HEARING ON THE UNITED STATES-PUERTO RICO POLITICAL  
STATUS ACT HR 856  
APRIL 19, 1997  
CENTRO DE BELLAS ARTES LUIS A. FERRE  
SAN JUAN, PUERTO RICO**

**Statement of: Etienne Totti del Valle,  
Private Citizen**

Honorable Chairman Young, Honorable and distinguished Members of the U. S. House of Representatives Committee on Resources, my dear fellow panelists, distinguished guests, invitees, ladies and gentlemen, fellow citizens all:

Thank you for the invitation to testify at this hearing. I earnestly hope that what I have to say will do honor to the generations of Puerto Ricans proud, as I am, of our Hispanic-American heritage and loyal to the principles embodied in the Declaration of Independence, who have passed on to the next dimension of existence with the unanswered hope of leaving a legacy of true democracy and equality for our future generations. I humbly hope that in some small way my comments may help to further your understanding of the plight that the sons and daughters of Boriquén have endured for centuries under the control of governments in which our people are denied their rightful participation.

Puerto Rico has languished in an ideological limbo for nearly a century after the disembarkation of American troops into this Spanish colony in 1898. Before that, during more than four centuries of occupation by the Spaniards who arrived at the end of the 15th Century, the residents of this island were subjects of the Spanish crown. Thus, the United States-Puerto Rico Political Status Act proposed in H.R. 856 represents the first opportunity in over five hundred years for Puerto Rico to achieve full self government.

On a subject pregnant with emotion and perennially dissected by subjective rethoric, let us pause to consider some objective facts. After the proclamation issued on June 28, 1898 by General Miles (Commander in Chief of the American troops that landed in Puerto Rico during the Spanish-American war) promising "the blessings of an enlightened civilization", Puerto Rico underwent a transformation. The general education of the masses, the new spirit of tolerance and supreme respect for the ideas of others, the establishment of independent courts, of just and equal laws for all, of an honest and patient government working for the common good, of a spirit of progress free from prejudice, of respect for human rights, and for all the basic freedoms that we now take for granted, were all part of this transformation. In retrospect, it would appear to the student of history that Destiny delivered Puerto Rico into the hands of Democracy forever. But something happened along the way. In 1900, after considerable debate, Congress held back from granting United States citizenship to the inhabitants of Puerto

Rico.<sup>1/</sup> The "Foraker Act" or the "Organic Charter"<sup>2/</sup> provided a measure of self-government under which laws passed by the territorial legislature were subject to veto by Congress. The Foraker Act provided that residents of Puerto Rico would be deemed citizens of Puerto Rico entitled to the protection of the United States. Seventeen years later, the Jones Act granted United States citizenship to Puerto Ricans.

The logical and natural expectation of Puerto Ricans that this would lead to incorporation of the island into the United States, and thereafter to statehood, was soon derailed by the United States Supreme Court decision in People v. Balzac, 258 U.S. 298 (1922) which branded Puerto Rico as an "unincorporated territory".

Decades later, the Immigration and Nationality Act of 1952 deemed Puerto Ricans nationals of the United States of America at birth.<sup>3/</sup>

This is my passport. It is no different from the passport of the millions of fellow U.S. citizens that reside on the mainland or in the non-contiguous states of Alaska and Hawaii. Our citizenship is unqualified. In this regard, I respectfully urge the Committee to reconsider the drafting of Finding #2 in Section 2 of HR 856, specifically where it states

... including extension of special statutory United States citizenship from 1917 to the present. (Emphasis added.)

There is no question that citizenship was granted by statute to persons born in Puerto Rico. That is correctly stated in the subject Findings. Nevertheless, the Jones Act made no reference to "special citizenship". Three generations of Puerto Ricans in my family have proudly served in the Armed Forces of our Nation. My grandfather served during the First Great War of this century, and my father was serving as a catapult Officer on the U.S.S. Langley in the Pacific when I was born. I served during the Vietnam War. Just as our passports are not different, our military uniforms were no different. They have no labels allusive to "special statutory citizenship". It is perhaps the notion of being treated as "special" that has for years contributed to the discrimination suffered by many of my Puerto Rican brothers and sisters. We are indeed special in many ways, but from

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<sup>1/</sup> Juan R. Toruella, The Supreme Court of Puerto Rico: The Doctrine of Separate and Unequal, Editorial de la Universidad de Puerto Rico (1988), pp. 32-39.

<sup>2/</sup> 31 Stat. 77 (1900).

<sup>3/</sup> 8 U.S.C. § 1401



the standpoint of citizenship, we Puerto Ricans are as strong as the strongest link that bonds the proud people of the United States of America.

Back in 1917 when the Jones Act granted citizenship to Puerto Ricans, the people of this island were given the option to reject that citizenship. Adults had six months within which to act, and persons under the age of 21 had up to one year after their 21st birthday to reject the United States citizenship. Accordingly, with regard to those who were alive on March 2, 1917, when President Woodrow Wilson signed into law the Jones Act, one could argue that United States citizenship was an imposition. Of course, that is why the legislation provided the opportunity to reject that citizenship. Objectively speaking, however, those of us born in Puerto Rico after the 2nd of March 1917, were born citizens of our great and glorious nation. Those of us under 80 years of age born in this beloved tropical paradise, have never taken a breath of air with another objective identity than that of citizens and nationals of the United States of America. Speaking subjectively, one could argue that when we talk about imposing something upon someone, we are changing a condition or situation that that person had prior to the subject "imposition". That is why we must acknowledge that United States citizenship was not imposed on those of us born in Puerto Rico after March 2, 1917 because we never had another citizenship. The same situation applies to our fellow citizens born in other parts of the United States, like the mainland states and the outlying states and territories. They are born American just as we are born Americans.

As section 2 (14) of the Findings set forth in H.R. 856 recognizes, nearly 4 million United States citizens live in Puerto Rico. The number of Puerto Ricans and citizens of Puerto Rican ascendance living in the mainland has been conservatively estimated at 2.5 million. The population of the United States, at last count, did not reach 300 million. It is a fact, then, that more than one out of every 50 United States citizens alive today is Puerto Rican. More than one out of every 80 of our nation's citizens live in Puerto Rico. It is time, once and for all, to debunk the myth that Puerto Ricans are, objectively speaking, anything other than United States citizens or "Americans". Subjective identity is another matter. No single subjective identity, whether based on ethnicity, culture, religion or origin is incompatible with the citizenship of the United States of America. As former Chief Justice of the Puerto Rico Supreme Court Emilio del Toro y Cuebas wrote in 1911<sup>4/</sup>

Grandiose, without question, is the destiny reserved for  
Puerto Rico in the future development of the United States

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<sup>4/</sup> Porto Rico Progress and Porto Rico Horticultural News (Combined), published in San Juan, Puerto Rico, March 16, 1911.

of America, founded upon such stable principles as would permit the conglomeration, under its flag, of all the people of the earth, regardless of their language, their beliefs, their customs, if they coincide on the fundamental idea of respect for human rights and on the guarantee of man's progress towards goodness.

The freedom that our nation stands for in the eyes of the entire world, guarantees my right to be different from you and your right to be different from each of your colleagues, provided we all come together on a small but very basic set of principles and ideals. The major and most transcendental of these principles is equality.

So sacred is the tenet of equality that our Founding Fathers began the Declaration of Independence

We hold these truths to be self-evident: that all men are created equal,...

The present political status of Puerto Rico promotes inequality with our fellow United States citizens. Residents of Puerto Rico are unequal because our political system, based almost exclusively on status preference, has the practical effect of preventing the free and intelligent exercise of our right to vote. We vote driven by the emotion that permeates status politics. Most of us are blinded by a passion for the status ideal that we favor. This prevents us from selecting among candidates for elected office, on the basis of an intelligent and rational analysis between different philosophies of government. Status politics is a plague that pits one Puerto Rican against another, rendering us pawns in a never-ending game that most politicians play. Status politics take up a huge amount of the time of our elected leaders, our courts and our people. Mainland Americans are free to exercise their right to vote in political elections without regard or concern for political status. Neither they nor their state and local governments need to spend any time or energy on ideological status considerations. Therein lies the first measure of our inequality - one that we owe, in part, to the timid aloofness of one Congress after another. If only we had the Young Bill back in 1917, or after the first World War, when Puerto Ricans were instrumental to the victorious Allied cause! We would have been rid of the curse of status politics. We could vote to elect our government leaders solely on the basis of merit, free from the shackles of emotional adherence to addictive status rhetoric.

The residents of Puerto Rico are unequals vis-a-vis our fellow citizens living in the several states, in that we lack the political power that is essential to representative

democracy. For all the proclamations made during five decades about Puerto Rico as a "showcase of democracy", the honest to goodness truth is that the United States cannot preach democracy to the world when it has nearly four million of its citizens disenfranchised right here in the middle of the western hemisphere for all the world to see. The preamble of the Puerto Rican Constitution pays great homage to the concept of democracy:

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis...declare: the democratic system is fundamental to the life of the Puerto Rican community; we understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured; we consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges...

The present political status of Puerto Rico belies the preamble of the Commonwealth constitution. If the will of the people is the source of public power, why is our will not taken into account in the election of the President and Vice President of our nation? Why is there an exercise of public power over our boundaries, our forests, airports, communications, environment, weather and postal service, defense, food and drugs, minimum wages, banking laws, immigration and tax incentives by a legislature in which we lack voting representation and by a government in whose election we do not participate? As our fellow Americans, put yourselves in our position. There is so much that you take for granted that is lacking in our political system. The power will only reside in the people when the people have the right to vote for the leaders that shape our nation and guide its course through History. Puerto Rico's political power in Washington has been reserved and limited during this century to the privileged few elected leaders, and the lobbyists of certain corporations that don't necessarily represent the interests of the millions of Americans living on this island. As Americans who lack our rightful political power, we cannot hold the leaders of our nation accountable. Therein lies another measure of our inequality.

Witness, if you will, the decision of the United States Supreme Court in Harris v. Rosario, 446 US 651 (1980) in which the highest Court of our Nation held that an American citizen residing in Puerto Rico could be treated differently from citizens

residing in the States under the Aid to Families with Dependent Children Program, if there was a rational basis for such disparate treatment. Do we need cite any additional authority for the proposition that residents of Puerto Rico are unequals?

HR 856 - the Young Bill - offers more than a glimmer of hope for Puerto Rico. It offers, in the first place, the promise of redemption from the curse of status politics. If enacted, and God forbid that the opponents of democracy derail it, for the whole world is watching, Puerto Rico will be faced with an opportunity to achieve full self-government. This has not happened since the 15th century. This piece of legislation which courageously seeks to break with the past, can serve to vindicate the principle of equality for this and future generations of Americans living here. Another beneficial outcome of the entire process contemplated by this bill will be the realignment of Puerto Rican voters on the basis of political philosophy. The stability that a final status determination will provide shall enormously help the climate for investment in Puerto Rico. Finally, and most importantly, the Young Bill bears the promise of political empowerment for a people who will cherish it and exercise it as full participants in all our national concerns. When I say this, I am mindful of the fact that the people of Puerto Rico will have a clear and fair opportunity to express a preference for separate nationhood. Whatever the choice, if Congress follows up by enacting appropriate legislation, Puerto Ricans will be united with the political rights of all citizens in a true democracy.

The aspirations and dreams of those who espouse the ideal of a separate republic, in any of its forms, should have our utmost respect. We have a great responsibility at this historical juncture. It is imperative that Congress, first, and then the people of Puerto Rico, act with transparent clarity and with resolute firmness. I believe, from the very depths of my soul, that the people of Puerto Rico could never enjoy a greater independence than that available to them, together as one with the other States of the Union.

In my final comments, I respectfully urge you and your fellow representatives to hold steadfastly to your equitable, moral and constitutional duties to Puerto Rican Americans. In order for this long-overdue initiative to be successful, any legislation enacted must provide clear choices to Puerto Rico's voters. I believe that the Young Bill, as drafted, meets that standard. Next, the choices provided must be realistic lest this titanic effort become another exercise in futility. And finally, as an American, I urge you to view and to support this bill as a means for the dignification of American citizenship. In order to form a more perfect union, our citizenship cannot be viewed nor treated as a commodity to be bartered with. American citizenship is not a passport of convenience to be brandished solely for the sake of the doors that it may unlock and the

opportunities that it may offer. Our citizenship entails obligations and loyalties that Puerto Ricans have shown time and again they are willing to assume even at the highest personal cost. The dignification of American citizenship, in our view, requires an unquestioned allegiance to one nation that thrives on freedom and diversity; loyalty to only one republic. Allegiance that is true to the concept of E Pluribus Unum. As Americans we would do well to ask ourselves what rational basis can exist to request a legacy of citizenship to future generations while seeking to remain unequal forever.

The world will watch us closely. Democracy beckons; and a government of the people, by the people and for the people must ultimately result from this initiative. Give the people of Puerto Rico the chance to make a clear choice; to come to grips with their destiny, to allow this Daughter of the Sea to become one with the Land of the Free. Thank you.