

with a more democratic procedure based on approval of a convention by a majority of voters.

To confuse, confound and befuddle his own party, the people of Puerto Rico, and Congress, the Governor's party has commissioned respected lawyers to cobble together the best possible legal arguments supporting the commonwealth party platform making Puerto Rico a nation permanently linked to the U.S. in a confederation.

I am attaching a series of scholarly commentaries which reject the legal briefs the Governor has presented to Congress and the White House, in a failed attempt to derail federal policy on Puerto Rico's status that is compatible with the Constitution and laws of the United States.

#### CONCLUSION

There are many reasons for Congress to authorize a federally sponsored plebiscite in Puerto Rico, but nothing is truly more important than the patriotism of the Puerto Rican men and women who have served with honor and distinction in every war since we became citizens of the United States in 1917, 89 years ago. Puerto Ricans have fought in defense of our Nation, and the democratic principles of freedom for which it stands, since World War I. They have fought, and many have made the ultimate sacrifice, on the—battlefields of Europe and Africa, the Pacific and Korea, Vietnam and the Middle East, and recently in Afghanistan and Iraq. I regularly visit our wounded at Walter Reed, and am honored to witness first-hand their dedication and love for our Nation.

We have made a disproportionate contribution to our current effort on the War on Terrorism. We have earned our keep, and we deserve congressional consideration of our request for a fair and legitimate process to exercise our right to self-determination.

After 108 years of territorial status, Puerto Rico remains the longest standing territory in the history of the United States. Congress retains jurisdiction over the Puerto Rican status issue, so we have a constitutional responsibility to address the issue. Although Congress has consistently expressed its commitment to respect the right of self-determination of the people of Puerto Rico, Congress has never sponsored a plebiscite to allow the people of Puerto Rico to express themselves on their preference based on options that are compatible with the U.S. Constitution and basic laws and policies of the United States.

The only way to restore majority rule locally and achieve democracy and government by consent at the national level is to begin an orderly process of self-determination. I support the recommendation of the Task Force established by President Clinton and comprised of senior appointees of President Bush: a congressionally-provided-for plebiscite on whether to seek a non-territory status. Only if a majority vote to seek a new status, would a second step be taken to choose among the options accepted by the federal government and specifically, by the Justice Department under Presidents George H.W. Bush and Bill Clinton, and the current President, as permanent in nature.

This is a moderate and measured approach to the issue. It is the minimum that Congress can—and should—do to fulfill its historical role under the U.S. Constitution to redeem the promise of America in Puerto Rico.

The CHAIRMAN. Thank you very much.

Now we will ask you, the distinguished Rubén Berríos, if you would testify, please.

#### **STATEMENT OF RUBÉN BERRÍOS MARTÍNEZ, PRESIDENT, PUERTO RICAN INDEPENDENCE PARTY**

Mr. BERRÍOS. Mr. Chairman and members of the Committee, there is more than enough testimony and evidence in the recent record of the U.S. Congress to promptly approve legislation regarding the status of Puerto Rico. Suffice to state certain facts and issues in Puerto Rico—the bankruptcy and failure of a colonial commonwealth experiment is self-evident.

In the United States, the White House report on the consideration recognizes what the Puerto Rican Independence Party has been saying for more than half a century; that juridically, Puerto

Rico is nothing but a United States territory under the U.S. Constitution. ]

Internationally, next Saturday, November 18 or 19, the most important Latin American and Caribbean political parties of the widest ideological spectrum will meet in Panama. They will meet to express Latin America's collective solidarity with Puerto Rico's inalienable right to self-determination and independence and to offer their good offices in the process to achieve Puerto Rico's political organization.

It is time for Congress to fulfill its constitutional mandate and to dispose of the territory. Puerto Ricans, of all political persuasions, for more than a century, have urged the U.S. Congress to act in order to de-colonize Puerto Rico. Congress has refused to act. They simply say, in order to avoid recommendations at a time when we are looking for solutions, that the historical and political circumstances were not appropriate. But they are now.

At the end of the cold war, the unavailability and costs of commonwealth, the consensus for change in Puerto Rico, and the need for new U.S. policy towards Latin America marked the end of an era and signaled the beginning of a new one.

We propose a very simple solution, a very simple roadmap, leading to your constitutional duty to dispose of a territory. First, a yes or no referendum should be held to discard the present commonwealth or any other territorial arrangement.

Second, a sovereign constitutional convention should then be held in Puerto Rico to decide among alternatives, recognized by international law. As long as legal decolonization principles are respected, the specific details for the roadmap can be worked out with all flexibility. We in Puerto Rico will do all that is in our power to advance such a plan. That is our duty. But the United States is also under an obligation, both juridical and ethical, to act.

Under the present circumstances of utter dependence in Puerto Rico, it is up to this Congress to jump-start such a process, otherwise the colonial forces of inertia could prevail once more. But if immobility prevails, the situation in Puerto Rico will deteriorate and the status problem will come back to haunt Congress in ever-more menacing ways. Now we are in a position to formulate an orderly process that will balance all interests involved, both yours and ours.

When all is said and done, regarding the issue of Puerto Rico's status, the national self-interest, both that of Puerto Rico and the United States, will prevail.

Commonwealth under any guise is the problem, and thus, it cannot be the solution. Democracy and colonialism are radically and utterly incompatible. Democracy cannot exist where the basic laws of a country or territory are determined by another country. The democratic colony is a contradiction in terms. It is no more than a tinsel cage. ]

Furthermore, commonwealth is an open door to statehood. And statehood, even though Congress may not openly acknowledge it at this time, is undesirable, both for Puerto Rico and contrary to national interest of the United States.

Independence, on the other hand, is the natural and rational solution to our colonial problem. Independence is an inalienable right

and "independentistas" will never surrender that right under any circumstances. An orderly transition to independence with a date certain should, of course, be part of any future arrangement.

I remind you, majorities come and go, as you well know, but nationalities remain and Puerto Rico is a full-grown Latin American nationality. I have no doubt that the Puerto Rican people will proudly claim their independence once the blackmail and intimidation to which we have been subjected for more than a century, ceases to exist.

I urge the Senate to fulfill its constitutional duty and its responsibility. Responsibility, needless to say, is a function of power and only political will is necessary. Thank you very much.

Senator MARTINEZ [presiding]. I have now taken the Chair and I will look to the Ranking Member for your questions. Do you have any?

Senator BINGAMAN. Thank you very much, Mr. Chairman.

Let me start by asking Governor Acevedo about your proposed alternative to the task force's recommendation. The task force is recommending two plebiscites and your alternative, as I understand it, is to call a local constitutional convention to propose to Congress a new commonwealth relationship. Is that wrong?

Governor ACEVEDO-VILÁ. Not exactly. At that constitutional convention, the people of Puerto Rico will choose delegates, delegates that believe in commonwealth, delegates who believe in statehood, delegates that believe in independence—

Senator BINGAMAN. So you're not—I don't know what the—

Governor ACEVEDO-VILÁ. I don't know what is going to come out of the convention. The whole idea is for them to ask for representatives of the people of Puerto Rico, try to solve our differences, and of course, we know how this process works. Once you have a constitutional convention, working on the issue, there is going to be communication with this committee and with the House. And at some point, they will make a recommendation that has to be approved by the people of Puerto Rico and then we'll have a reaction from Congress. They might say we agree. They might say, we totally disagree. Congress might say we need some more changes. But it is an inclusive process that not only we have had experience—this nation was built through that process.

Senator BINGAMAN. Yes, but given the constitutional and legal concerns that have been raised about the proposal for a new commonwealth, as I understand it, why do you believe that a proposal like that, if it were to be the end result of the constitutional convention you've described, why do you believe that such a proposal would receive more favorable reaction in Washington if it were presented following a constitutional convention than it would be otherwise?

Governor ACEVEDO-VILÁ. No. 1, it will come after a fair process and it will come to Congress as the aspirations of the people of Puerto Rico. That's the only thing I'm asking for: Give my people the right to dream of a different Puerto Rico and fight for it, using the democratic process.

I know how they picture statehood in Puerto Rico, during the campaigns. They say that we're going to be the 51st state with our own national Olympic team, so we can defeat the United States in