

**UNITED STATES-PUERTO RICO POLITICAL STATUS  
ACT**

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

**ONE HUNDRED FIFTH CONGRESS**

**FIRST SESSION**

**ON**

**H.R. 856—United States-Puerto Rico's Political Status Act**

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Mr. YOUNG. Oreste Ramos.

# STATEMENT OF ORESTE RAMOS

Mr. RAMOS. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Miller, Mr. Romero-Barceló and members of this Committee, my name is Oreste Ramos. I have the privilege of having served the people of San Juan as a Senator for 20 years until 1996, the last four as Chairman of the Committee on the Judiciary. Nonetheless, I want to make clear that today I come as a private citizen interested in this issue.

I would like to begin by congratulating the sponsors of this bill by addressing this complex issue in the most appropriate manner and, of course, in accordance with what was expressed by U.N. Resolution 1541 of the 15th General Assembly.

Some people may ask themselves, why do we need full self-government? Is it one of those technicalities, legal theology, the lawyers love to discussion but which have no impact on real people? In the case of Puerto Rico, as in the case of every other jurisdiction in the world, full self-government means that our people have a say in all decisions that affect their daily lives.

As the aforementioned U.N. resolution indicates, there are only three possible ways as to how you can do that, namely, statehood, independence and free association. All of them are sovereign options.

Do we currently exercise sovereignty in Puerto Rico? A careful perusal of the Congressional Record of Senate Bill 3336 of the 81st Congress would suffice to answer this question in the negative. Every single congressional committee which reported on that bill and its House equivalent reproduced Secretary of the Interior Oscar J. Chapman's statement to the effect that the approval of what later became Public Law 600 would not change Puerto Rico's political status or U.S. sovereignty as acquired over Puerto Rico under the Treaty of Paris.

Thus, absolutely no measure of sovereignty has ever been transferred by Congress to the people of Puerto Rico. This is evidenced by the undeniable fact that the intricate web of Federal regulations, congressional legislation and decisions by the Federal judiciary apply to Puerto Rico, without Puerto Ricans having any say in the selection of the officers who spin the web.

As it was correctly understood by the Court of Appeals of the 11th Circuit decision of U.S. v. Sanchez in 1993, Congress did not accord the people of Puerto Rico any measure of sovereignty, not even that recognized by the Constitution to the Navajo reservations.

This is perfectly in line with the U.S. Supreme Court decision in 1980 regarding Harris v. Rosario. In short, Puerto Rico is, in 1997, as much of an unincorporated territory under the plenary powers of Congress arising under the territorial clause as it was in 1898 and, thus, devoid of any measure of sovereignty.

Now, in finding 15, page 8, lines 4 to 12, of the bill under consideration today, its 84 sponsors clearly recognize that full self-government for Puerto Rico is obtainable only through the establishment of a political status under which Puerto Rico would cease to be sovereign to the territorial clause as an unincorporated territory.

Throughout these hearings, we have also heard the distinguished members of this Committee state that this process would be one leading to the attainment of sovereignty by Puerto Ricans, either of a separate nature or as members of the U.S. polity.

Thus, in order to comply with the avowed desire of the sponsors of the bill and with U.N. Resolution 1541, you must exclude territorial or colonial formulas from the bill.

We have repeatedly heard proponents of the so-called New Commonwealth formula raise charges of unfairness and allusions to a, quote-unquote, unlevel playing field. These charges will not cease to be raised, but I beseech you to be understanding of the quandary the PDP faces. Keep in mind it was not designed to solve Puerto Rico's status problem. It has to fight very hard to get within its fold different factions, ranging from those who would like closer ties with the U.S. to those who advocate for free association with the maximum degree of sovereignty under such an agreement.

To one of those factions, this bill is Kryptonite, Mr. Chairman.

That is why their definition has so many attributes of free association, while maintaining some of the aspects of our current territorial relationship. It was contrived and concocted as a product for local consumption in Puerto Rico. They know that a lengthy and protracted discussion on how to fit such a formula in this bill could spell doom for the prospects of this measure ever becoming law.

Is there a way to accommodate the advocates of the New Commonwealth as much as feasible without running astray of the Constitution? The possible solution in my view to the adoption of the New Commonwealth definition in this bill was perhaps implied yesterday by former Governor Hernandez-Colon. In an exchange with Mr. Underwood, he mentioned that if the territorial clause could not be construed in an elastic enough manner so as to allow for Puerto Rico's exercise of sovereignty, as called for in the proposed definition, then Congress could act without the constraint of the clause, but still within the Constitution.

Now, there is no way of doing that unless you use the treaty-making power; and that would, of course, entail the transfer of sovereignty which could take place simultaneously with the enactment of that treaty of association.

Mr. YOUNG. Mr. Ramos, how close are you to being finished?

Mr. RAMOS. Thirty seconds, sir. However, we all know that some elements of the definition would still be unconstitutional, while others would simply fall short of being accepted by Congress. For example, after the 1994 amendments to the Nationality Act, there is no way that Puerto Ricans born after Free Association, or New Commonwealth as they call it now, were born, could keep their American citizenship and still be citizens of a separate sovereign nation.

So I think, Mr. Chairman, in summary, that this New Commonwealth—colonial definition of New Commonwealth should be excluded from the bill, and that in order to comply with the avowed desires of the sponsors of this bill, then Free Association, even if we have to use or if you have to include two versions of it, one of it would be the classical one and then another one called New Commonwealth, if that is what you have to resort to in order to comply with your avowed desires and what is stated in the introduction of

this measure, then that is the way to go. But to do anything else would be to complicate matters even further and have to face an ever more complicated issue and problem 15, 20 or 50 years from now.

Thank you, Your Honor.

Mr. YOUNG. Thank you. May I suggest, I don't want it any more complicated than it is, believe me.

[The prepared statement of Mr. Ramos follows:]