

[The prepared statement of Mr. Rotger-Sabat follows:]

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Mr. DOOLITTLE. Our final witness is the Honorable Charlie Rodriguez, President of the Senate of Puerto Rico in San Juan. Senator Rodriguez?

STATEMENT OF CHARLES A. RODRIGUEZ

Mr. RODRIGUEZ. Thank you. Mr. Chairman, Governor Romero-Barcelo, distinguished members of the committee, although I currently serve as President of the Senate of Puerto Rico, I come before you today on behalf of Dr. Carlos Pesquera, President of the New Progressive Party and its members. I have submitted a longer written statement. I will try to summarize the same at this moment.

H.R. 4751 intends to give the present commonwealth status the following: Permanent union with the United States, sovereign powers to Puerto Rico as a nation, and an irrevocable guarantee of the United States citizenship to all persons born in Puerto Rico.

First, we welcome this bill only as a vehicle to provide and gather information on the complexities of the status issue of Puerto Rico and as a discussion tool on that matter. In fact, Mr. Chairman, you stated when you introduced this bill that it was, and I quote, "a vehicle to begin a debate regarding the current and proposed commonwealth status."

Secondly, from the details of the enhanced commonwealth formula as introduced in this bill, it pretends to establish a segregated and a separate jurisdiction of U.S. citizens. It goes on to establish a second-class citizenship for Puerto Ricans living in Puerto Rico, a citizenship not envisioned by the Constitution or the Founding Fathers.

The Popular Democratic Party, PDP, has the responsibility to explain to Congress how this formula can be implemented consistent with the U.S. Constitution. This bill as it is written is a blueprint for the perpetuation of the apartheid policy established in 1952 with the so-called free associated state or Commonwealth of Puerto Rico, whose citizens responded with patriotism when our nation was involved in World War I, World War II, Korea, Vietnam, Libya, Somalia, the Persian Gulf, and Bosnia. More than 1,300 Puerto Ricans gave their lives in defense of our nation, democracy, and freedom, and thousands more were injured in combat.

Third, this bill once more reaffirms the political reality that all three political parties of Puerto Rico agree that the current commonwealth status is colonial in nature and maintains the discredited and unconstitutional segregationist policies of the 1950's and the 1960's. Even the PDP, the pro-commonwealth party, recognizes that it is necessary to perfect or culminate the associated nation-state pact of permanent union. After five decades of failure to convert a territorial commonwealth into a non-territorial status, as if by magic, the PDP has repackaged a failed political theory as a program to perfect a status proposal that is not attainable under the Territorial Clause of the Constitution.

Fourth, this bill derails, contradicts, and opposes the spirit and the objective of H.R. 856, approved with bipartisan support in 1998, which provided clear status definitions for the three political

currents. The three options must reflect what is constitutionally attainable within the powers of Congress under the Territorial Clause. The definitions must honestly describe to the people of Puerto Rico what is legally possible and acceptable to Congress from a public policy standpoint. For example, guaranteed U.S. citizenship cannot exist in a status formula with sovereign powers. There is no constitutional precedent for such an occurrence.

Maybe this explains why our locally held referendums do not produce clear majorities. Now perhaps Congress can begin to understand that meaningful and informed self-determination in Puerto Rico is precluded as long as Congress tell us, we will respect whatever you people support with a majority vote, just as there was no clear majority vote in Wisconsin in the 1840's or in what is now the State of Washington in the 1860's until Congress clarified the terms for resolving the political status of those territories. It will be difficult to achieve a decisive majority for any option in Puerto Rico until Congress fulfills its responsibility under the Territorial Clause by defining the terms for enhanced commonwealth or transition to Statehood or independence.

Fifth, this legislation is in direct opposition with the public statements of Presidential candidates George W. Bush and Albert Gore. Both candidates support the self-determination policy established by President Carter and ratified by President Bush. At the same time, both the Democratic and Republican platforms defend the right of self-determination and the right of the American citizens in Puerto Rico to choose. This legislation is a carbon copy of the campaign promise of the PDP for perfecting or enhancing the present commonwealth status, a formula rejected by all Puerto Ricans who voted in the 1998 plebiscite.

It is not unfair to the PDP or any ideological sector in Puerto Rico for Congress to tell the truth about what the U.S. Constitution will allow and what it will not allow. That is all we are asking you to do. Only Congress can define the constitutionally valid status options it is willing to consider. The legislative assembly of Puerto Rico has formally petitioned Congress repeatedly to exercise its exclusive power to prescribe legitimate self-determination options for Puerto Rico and sponsor a status resolution process. Now Congress must tell the truth about what the U.S. Constitution will allow.

Finally, I strongly recommend and urge this committee to think in time. Puerto Rico is the last colony on the planet. It is not within the spirit of the Constitution to maintain a jurisdiction of nearly four million American citizens in the 21st century, segregated and living in an apartheid regime with some civil rights.

I would like to make the following recommendations. We strongly urge the establishment of a Presidential and Congressional decolonization policy for Puerto Rico based on United Nations Resolution 1541 and H.R. 856. For the implementation of this decolonization policy, Congress should establish without delay, and with all deliberate speed, a federally mandated plebiscite to finally resolve our present colonial, segregated, and apartheid condition, which violates the basic principles of our Constitution and the democratic ideals we have defended in the U.S. conflicts abroad.

The United States must not continue with this charade to perpetuate a commonwealth with all the elements of the internationally

discredited Rhodesian apartheid policy. The time is now for the establishment of a decolonization policy to guarantee four million, almost four million Americans, their undeniable right to self-determination with clearly defined and attainable formulas within the framework of the Constitution. This policy and ensuing process will erase the injustice of having a second-class citizenship under the present condition and will open the door for our people to become the 51st State of the Union, a totally independent country, or an associated republic.

In closing, I ask you to reflect on the statement made by Abraham Lincoln in a letter addressed to Joshua Speed on August 24, 1855, and I quote, "As a nation, we began by declaring that all men were created equal. We now practically read it, all men are created equal except Negroes. When the know-nothings get control, it will read, all men are created equal except Negroes and foreigners and Catholics. When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty."

Thank you, Mr. Chairman and members of the committee.

Mr. DOOLITTLE. Thank you.

[The prepared statement of Mr. Rodriguez follows:]

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Mr. DOOLITTLE. I am going to reserve my comments until the end and recognize Governor Romero-Barcelo for his questions.

Mr. ROMERO-BARCELO. Thank you, Mr. Chairman.

I just want to thank Angel Sabat for his testimony and Charlie Rodriguez for his testimony. I agree with you. I do not have any questions to ask of you other than those probably self-serving questions, and that might not look proper. They might be much more subject to criticism than otherwise. So I just want to thank you for being here and thank you for your testimony.

Mr. DOOLITTLE. Thank you.

Mr. Faleomavaega is recognized.

Mr. FALEOMAVAEGA. I would like to follow the same tact that Governor Barcelo has proceeded with and thank both gentlemen for their testimony. I had hoped, Mr. Chairman, that maybe someone from the Popular Democratic Party would be here to testify to perhaps kind of explain what their thinking is about the enhanced commonwealth as proposed in the bill, but maybe on another occasion we will have this.

Just one real quick question of Mr. Sabat, and I have been very intrigued by this term that we keep using, and that is as an unincorporated territory. I believe it was Justice Brown who issued this decision in the Supreme Court giving a very unique status to territories, a territory that is incorporated and a territory that is unincorporated, and I wonder if Mr. Sabat could respond to this. What is an unincorporated territory?

Mr. ROTGER-SABAT. Yes, Congressman. An unincorporated territory is the term used from the early 1900's in a series of insular cases, what are the so-called insular cases, in which it is a transition in which it is acknowledged full sovereignty of the United States over that territory, but it is still not a direct part of the Union as a whole, but it is an unincorporated territory. It is a step before becoming part of the Union, but exclusively under the sovereignty of the Territorial Clause.