

PUERTO RICO POLITICAL STATUS

HEARING
BEFORE THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SIXTH CONGRESS
FIRST SESSION

TO CONSIDER THE RESULTS OF THE DECEMBER 1998 PLEBISCITE ON
PUERTO RICO

MAY 6, 1999



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PUERTO RICO POLITICAL STATUS

THURSDAY, MAY 6, 1999

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room SH-216, Hart Senate Office Building, Hon. Frank H. Murkowski, chairman, presiding.

OPENING STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIRMAN. Good morning, ladies and gentlemen. The hour of 9:30 has come, and slightly past, so I would call the hearing to order.

This is the Committee on Energy and Natural Resources. I am very pleased to see so many people here who are interested in the issue of self-determination for Puerto Rico, which is underway, even though the progress may be somewhat slower than people would have wished.

What we are here today to do is to consider the results of the December 1998 plebiscite in Puerto Rico, as Puerto Rico continues its march towards eventual self-determination. The Governor is here to present the results of the plebiscite, representatives of the three political parties, and the organizations certified to represent free association are here today to discuss the results.

I want to point out that this is not a hearing to discuss the pros and cons of any individual status. I know you all have different views on that. We in this committee have an obligation to our fellow citizens in Puerto Rico to assist them in their debate over the political status, without dictating how to proceed or unfairly limiting their aspirations.

I grew up in the Territory of Alaska. I remember well the debates over our status. I remember the frustration we felt when it appeared that Washington really did not care what we thought, or what we wanted for that matter. Well, that is not going to happen in Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands while I and my colleagues on this committee meet our obligation.

It does not matter whether the subject is the constitutional issues of status in Puerto Rico or the control of an exotic species in Guam or the brown snake issue. I intend to see that this committee, this Congress, and the administration pays attention to the needs and legitimate aspirations of our fellow American citizens.

A locally conducted plebiscite on future political status is one of the most important exercises of local self-government and popular democracy, and it certainly deserves our attention. We are interested in knowing what occurred in Puerto Rico in the plebiscite process and why. We are also interested in knowing what each of the witnesses believes the next step should be and how we can be of assistance without becoming involved or influencing the internal politics of Puerto Rico between or within the various political parties and organizations.

Given that next year is a general election year at the Federal level, and in Puerto Rico as well, I am not inclined to confuse those debates with status, nor to subject the very important issues involved in status, to election politics. If particular issues or questions could be resolved or at least illuminated through a workshop or another forum, I am certainly willing to entertain any suggestions that might come out of this hearing.

I do want to congratulate the residents of Puerto Rico who participated in the plebiscite. Just as a historical note, and by way of comparison, when my State of Alaska went to the polls in 1946 on the issue of status, less than 17,000 persons participated, about 23 percent of the population at that time. In your plebiscite, 71 percent of the eligible voters participated. That is about 40-percent participation. Seventy-one percent of the eligible voters turned out. That is much to your credit.

However, each of the status advocates may interpret the results, the voter turnout in this plebiscite and in others, and in the general elections in Puerto Rico I think set an example of participatory democracy for the rest of the United States. As I stated, again, this hearing is not on the merits or demerits of individual status options. And I would encourage our members and witnesses to focus on the plebiscite itself and this very important exercise of local self-government.

Senator Bingaman.

[A prepared statement of Senator Graham follows:]

PREPARED STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM FLORIDA

Mr. Chairman, members of the committee, I take you back to March 19, 1997. On that day, Senator Larry Craig and I introduced "The Puerto Rico Self Determination Act of 1997" along with ten of our Senate colleagues. Our bill recognized that United States citizens of Puerto Rico deserve the opportunity to determine their future political status in a democratic process. It recognized that in order to make an informed decision, the voters had to have the benefit of definitions that Congress had recognized as viable. Our bill provided for a congressionally sanctioned process to achieve their democratic right to choose.

Two years later, we have come full circle. In 1997, we talked about not reaching the century mark with the political status of the island still unresolved, but less than seven months remain to achieve that goal. We are now in the 101st year. If we do not act now, we will begin the 21st century just as we did the 20th Century: with a political status dilemma in Puerto Rico.

After seeing the results of the December 1998 local plebiscite, I can only conclude that what I believed two years ago continues to hold true: The U.S. citizens of Puerto Rico want a change in their political status. Congress will determine what options they have for making that change.

The best solution to this situation can be found in Article IV section 3 of the U.S. Constitution: Congress' power to authorize a plebiscite which clearly defines the viable status options we are willing to provide our fellow citizens in Puerto Rico, and to exclude those which are not viable.

I want to thank Chairman Murkowski for scheduling this hearing and look forward to hearing from Governor Rossello and the others who are here to provide their thoughts on last December's plebiscite results.

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR
FROM NEW MEXICO**

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

I welcome the Governor here, and of course all the other very distinguished witnesses. I also welcome Congressman Romero Barcello, our good friend who visits with us regularly on this same set of issues.

As I am sure everyone here knows, the House did pass a bill last year by a very slim margin that provided a process for determining the ultimate political status of Puerto Rico. It is my understanding that the Government of Puerto Rico scheduled the plebiscite that did occur in December after Senator Lott, our Majority Leader here in the Senate, made it clear that there would not be a bill directing Federal action with respect to Puerto Rico's status in the last Congress.

My impression is that that is still his view in this Congress. I do think it is very important, though, that we try to focus on what did occur in the plebiscite. The results were confusing. And I would like to learn the perspective that different people bring to those results and where we should go from here once it is possible to move ahead.

So thank you very much for having the hearing, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Bingaman.

Senator Gorton.

Senator GORTON. I have no statement, Mr. Chairman.

The CHAIRMAN. Senator Fitzgerald.

**STATEMENT OF HON. PETER G. FITZGERALD, U.S. SENATOR
FROM ILLINOIS**

Senator FITZGERALD. Thank you, Mr. Murkowski. I appreciate the opportunity to have this hearing.

And I would like to welcome the Governor to this committee. I represent the State of Illinois, which has well over 100,000 citizens of Puerto Rican ancestry. And I commend their contribution to our State and Nation. And I look forward to hearing the testimony from you and the other witnesses today.

Welcome to the committee.

The CHAIRMAN. Thank you.

Senator Thomas.

**STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR
FROM WYOMING**

Senator THOMAS. Thank you, Mr. Chairman.

I am interested in this hearing. We had several last year, as you will recall. So I am very anxious to hear some reports on the plebiscite that you had.

Congressman Romero, with whom I served, nice to see you, sir.

I must tell you, it is confusing for someone who is not really closely involved as to see at least apparently a series of votes and plebiscites in which everyone then comes up and says, well, the

questions were not clear because we did not know what we were voting on, and all those things. That becomes very confusing.

It seems to me that with the kind of sophistication that you all have in your government that you could come up with something that would be satisfactory in terms of choices. So I am very anxious to hear about that. I do not have the experience the chairman does. Wyoming came in earlier than Alaska. So I do not have that experience.

At any rate, we look forward to it, and appreciate your being here.

The CHAIRMAN. Thank you very much.

I think, Governor Rossello, that we are fortunate we have a little break here as members are coming in, so we can get started. The rules ordinarily are to have presentations 5 to 7 minutes. It is my understanding you want a little more time, so we will grant you that time. Around 12 to 15 minutes, we get a little uneasy, but I think you can conclude in that time. We have another panel of four other witnesses, and we will have that panel separate, after your presentation.

I do want to advise you, at 10 o'clock I have a meeting with the leadership, and Senator Craig will be taking over the chair. It is my intention to come back. But I do look forward to your statement, Governor, and ask you to please proceed.

STATEMENT OF HON. PEDRO ROSSELLO, GOVERNOR OF PUERTO RICO

Governor ROSSELLO. Thank you, Mr. Chairman and other distinguished members of the U.S. Senate Committee on Energy and Natural Resources. My name is Pedro Rossello. Since 1993, I have been Governor of Puerto Rico.

As Governor, I last appeared before this committee on April 2, 1998, during a workshop on the United States-Puerto Rico Political Status Act. It was exactly 10 years ago that the leaders of all three political parties in Puerto Rico issued a unanimous appeal to the White House and the Congress. Those political leaders requested substantive action that would permit the people of Puerto Rico to make an informed decision on our ultimate civic destiny.

This committee, under the leadership of then-Chairman J. Bennett Johnston, of Louisiana, and then ranking Republican James McClure, of Idaho, grappled earnestly with that complex topic for the better part of 2 years. Although no legislation emerged from those diligent efforts, the endeavor definitely did set the stage for the unprecedentedly constructive Puerto Rico status bill that the House passed last year, as H.R. 856.

The Senate Committee on Energy and Natural Resources therefore has made a very significant contribution to the arduous congressional process of addressing and surmounting the challenges posed by what has been accurately and succinctly described as American democracy's unfinished business. And today, Mr. Chairman, I am grateful to you and to the committee for building upon that legacy by holding this hearing.

I am speaking as Governor. And in speaking as Governor, I must commence my presentation by placing the December 13, 1998 Puerto Rican political status plebiscite within the proper historical con-

text. When I first stood for election to the governorship in 1992, the tripartite status initiative of the 1989 through 1991 effort was fresh in the collective memories of the Puerto Rican people. Moreover, our voters had not been formally consulted on political status since 1967.

Accordingly, I promised that if elected I would ask our legislative assembly to take immediate action on a status plebiscite bill. And so it was that we held a plebiscite in 1993. However, that venture turned out to be futile in two important respects. First, and most obviously, it proved futile because no political status option polled an absolute majority of the votes. Therefore, it failed to satisfy the fundamental democratic precept regarding government by the consent of the governed.

But there was a second futility factor as well, a factor that was more subtle than the first, but no less important. Factor number two entered the picture, because in a good faith attempt to preserve the unanimous consensus that had been instrumental in launching the 1989 self-determination quest, my administration made a point of inviting Puerto Rico's three political parties to define for themselves the political status option that they would endorse in our 1993 plebiscite. Regrettably, that good faith gesture resulted in the inclusion on the ballot of a commonwealth definition that was utterly unrealistic. And when I say utterly unrealistic, I do so in the context of parameters that this very committee clearly stipulated during its extensive examination of the subject from 1989 through 1991.

Undaunted by that congressional record, the proponents of commonwealth, the Popular Democratic Party, campaigned in 1993 on behalf of a definition which they literally proclaimed was the best of two worlds solution to the status dilemma, a solution that would have imbued Puerto Rico with many of the benefits of U.S. statehood and many of the prerogatives of independence, while exempting Puerto Rico from most of the responsibilities inherent in both of these options.

The 1993 "commonwealth" ballot definition, in other words, amounted to a wish list. It was both politically unattainable and constitutionally inadmissible.

So it is that the 1993 plebiscite failed in its objectives. Although commonwealth ostensibly won that plebiscite, polling 48.6 percent of the vote, slightly ahead of U.S. statehood at 46.3 percent, it is worth noting that nobody from the Popular Democratic Party had the audacity to come up here to the Nation's capital afterwards and argue for congressional enactment of that party's best of two world's platform. Instead what happened was that the legislative assembly of Puerto Rico adopted a concurrent resolution which formally requested that Congress respond to our outcome of our 1993 status consultation.

The 104th Congress, upon convening in January 1995, acknowledged our Legislature's petition. That Congress held hearings and drafted a bill which got the ball rolling on a process that culminated in last year's House passage of the United States-Puerto Rico Political Status Act. And it was that comprehensive measure which provided the framework for what ought to have been a fool-proof plebiscite in 1998.

Under the United States-Puerto Rico Political Status Act, this Nation could have converted the historically clouded 100th anniversary of America's unilateral seizure of Puerto Rico into an inspiring occasion for undiluted celebration. This Nation could have observed that centennial by empowering our territory's electorate to make a dignified, meaningful choice among destiny options delineated for that express purpose by purchase's constitutionally designated overseer—namely, this institution, the U.S. Congress.

However, in the absence of that legislation, the 1998 centennial observance unfolded against a different backdrop altogether and, consequently, a shadow fell over the celebration. We went ahead with our commitment to hold a plebiscite. But lacking the empowering impetus of a Federal mandate, we were unable to employ a foolproof, or fail-safe, format.

And you may ask, why is that? Because a 1993 Puerto Rico Supreme Court edict obliged us to offer our voters a fifth, undefined alternative in addition to the options that were defined in H.R. 856. More than 71 percent of Puerto Rico's eligible voters participated in the plebiscite on Sunday, December 13, 1998. And on that day, to my mind, we, the people of Puerto Rico, dispatched two forceful and unequivocal messages.

The first of those messages was irrefutably transmitted loud and clear. A total of over 1.5 million persons cast ballots. Of that total, exactly 933 voters marked their ballots in favor of our current status as a territorial commonwealth. This means that for every 1,577 persons who participated in the plebiscite, only 1 person manifested support for the status quo. And the level of support equals considerably less than one-tenth of 1 percent.

Mr. Chairman and members of the committee, I respectfully submit that this single fact speaks volumes. During this hearing, it is safe to assume that a variety of interpretations will be offered regarding the significance of the plebiscite outcome. I would urge, however, that in evaluating those interpretations, you keep foremost in your minds this one salient fact. Because whatever else our plebiscite may have signified, it is indisputably constituted a virtually unanimous rejection of the status quo.

Our people's massive disapproval of the status quo underscores their contempt for what my predecessor has described as a democratic deficit that afflicts Puerto Rico's current status. In the July-August 1998 edition of *Foreign Affairs* magazine, former Governor Rafael Hernandez Colon, published an article, entitled "Doing Right by Puerto Rico: Congress Must Act." In that article, this lifelong advocate of commonwealth status made the following affirmation about the political status debate on our Island:

"All factions do agree on the need to end the present undemocratic arrangement, where by Puerto Rico is subject to the laws of Congress, but cannot vote in it."

So, there you have it. The political status with which Puerto Ricans must contend today, and with which we have had to contend in one guise or another for the past 100 years, is a political status that we, the people of Puerto Rico, emphatically reject as an alternative for the future. And that categorical rejection could not have been more firmly articulated than it was on December 13, 1998.

Now, let us move on to the second forceful and unequivocal message that emerged from our recent plebiscite. This second message pertains to the need for a responsible, conscientious definition of the fifth ballot option that was vacuously denominated "none of the preceding." I readily concede that many voters selected that option for reasons having nothing whatever to do with political status.

Nevertheless, it must not be ignored that one of our two principal political parties urged voters to mark their ballots in favor of "none of the preceding," while simultaneously urging that the people of Puerto Rico be granted an opportunity to vote on a certain specifically defined option that had been excluded from the ballot because it was not incorporated into H.R. 856, the bill which had previously been approved earlier by the U.S. House of Representatives.

Both H.R. 856 and our plebiscite ballot had defined fully the meanings of U.S. statehood, independent nationhood and free association under separate sovereignty, as well as the current territorial commonwealth arrangement. But absent altogether was the option being supported by this major political party that was urging our electorate to vote in the blank, empty fifth column.

For precisely that reason, a high priority of this 106th Congress should be to examine thoroughly the legislative viability and constitutional validity of this additional alleged option, this stealth option, which was surreptitiously promoted during our latest plebiscite via the "none of the preceding" column on our ballot. I respectfully invite this committee to take a hard, close look at this fifth column alternative, an alternative which was formally embraced by the governing board of Puerto Rico's Popular Democratic Party on October 15, 1998, and which was presented to our people as that Party's blueprint for developing the commonwealth status.

Take a hard, close look at what this "none of the preceding" stealth option promises to the people of Puerto Rico. Observe that it calls for a compact that cannot be invalidated or altered unilaterally. Observe that this option stipulates that persons born in Puerto Rico are Puerto Rican citizens by birth, and likewise stipulating that people born in Puerto Rico will continue to be citizens of the United States by birth, and this citizenship will continue to be protected by the Constitution of the United States and by this compact, and will not be unilaterally revokable.

Observe that these dual citizens are to be protected by all the rights, privileges and immunities granted by the Constitution of the United States and the Commonwealth. Observe how this compact would guarantee that the Federal programs that provide social and educational assistance directly to Puerto Rico's residents, such as nutritional assistance programs, Pell grants, and educational loans, among others, will continue and will be guided by applicable Federal and State regulations.

Observe that under this fifth column format, the United States is committed to providing the Commonwealth an annual block grant, adjusted for inflation, as well as the creation of special incentive programs for investments in the island. And nowhere is there any mention of making any contribution through the payment of Federal taxes. Observe also, however, that the Commonwealth will have control over international trade. And, to that effect, it will have the capacity to enter, among others, commercial

and tax agreements with other countries. Furthermore, the Commonwealth will be able to enter into international agreements and belong to regional and international organizations.

And what about the U.S. District Court for the District of Puerto Rico? On that score, observe that under this Popular Democratic Party proposal, the Federal court will have jurisdiction over matters that arise from provisions of the Constitution of the United States and the Federal laws that apply to Puerto Rico, consistent with this compact, and not in violation of the dispositions of the Constitution of Puerto Rico.

And, finally, observe too that this compact contemplates the creation of a specific agreement regarding the applicability of legislation approved by the Congress of the United States, after the adoption of the compact, in which the people of Puerto Rico decide to have made applicable to Puerto Rico.

All of the above items are contained in the other option that was presented to the Puerto Rican people as a reason for endorsing the ballot column labelled "none of the preceding." And this compact is the only Puerto Rico destiny option that has yet to be studied and declared legitimate by Congress and by judicial precedent. Accordingly, I respectfully submit that in addressing American democracy's unfinished business, this committee should place a high priority on scrutinizing this other option, which has been officially endorsed by the leadership of Puerto Rico's pro-commonwealth political party.

Our nation's most basic civic values demand that neither this committee, the Senate, or the Congress as a whole, shirk the constitutional duty to make all needful rules and regulations respecting the territory and other properties belonging to the United States, as set forth in the Constitution, article IV, section 3, clause 2.

On December 24, 1998, *The Washington Post* analyzed last year's plebiscite in an editorial. Several key passages from that essay merit repeating. And I quote:

"The biggest vote, 50.2 percent, went to a 'none of the above' catch-all category, supported in good part by pro-commonwealth voters, who were indulging a best of both world's fantasy definition of commonwealth—many privileges, few obligations—that Congress would never approve. The plebiscite was a flop. It measured only erratically, not conclusively, the sentiments on the island. But it is not only the Puerto Ricans who have been unable to get their act together. Congress is at similar fault. Here lies a fault that must be remedied. Congress must select and fairly define the Puerto Rican status choices it would be prepared to accept. Nothing less will satisfy the obligation to convert an imperial property into a place of dignity for American citizens who are equal in rights to all others."

And I must say I totally agree.

Now, once more, let me quote a passage from last summer's Foreign Affairs article by my immediate predecessor:

"It is morally unacceptable, unfair and harmful to Puerto Rico and the United States for Congress to relegate the issues to business as usual. That is, to do nothing, wait for a Puerto Rican initiative, play with it for a while, but take no action; wait for the next

initiative, and then repeat the cycle. Such insensitivity undermines Puerto Rico's capacity for self-government, inflicts considerable hardship on its society, and drains the U.S. Treasury."

Again, Mr. Chairman and members of the committee, I agree with those declarations by Rafael Hernandez Colon, who served as a pro-commonwealth Governor of Puerto Rico.

Last, but not least, former U.S. Attorney General Dick Thornburg has carefully scrutinized the results of our 1998 plebiscite. And the following sentences are excerpted from essays that Mr. Thornburg has written on the topic. And I quote:

"Suggestions that a large but indecipherable vote for 'none of the above' constitute approval of the status quo borders on the absurd. Only Congress can define terms for statehood, separate nationhood or continuation of the current status, so that informed self-determination is possible. Territorial history demonstrates that the recent vote in Puerto Rico was but one step in a larger self-determination process for which Congress is ultimately responsible. For example, in the territory of Wisconsin, the vote for statehood was 25 percent in 1842, 30 percent in 1843, and 22 percent in 1844. After each of those setbacks, pro-statehood leaders petitioned Congress to set the terms for admission so a more informed vote could occur, just as Puerto Rico's elected leaders are doing. Once Congress responded, by defining the terms of admission, the pro-statehood vote in Wisconsin soared to 83 percent, resulting in admission."

In conclusion, there is one more paragraph of Mr. Thornburg that should be quoted in its entirety. And I quote:

"So instead of being puzzled because elected statehood leaders in Puerto Rico are asking Congress to act on the basis of the recent plebiscite, let us remember that America became the greatest Nation in the history of the world by empowering people with the tools for informed self-determination. Sooner or later, Congress will have to do the same for Puerto Rico. And the sooner, the better for Puerto Rico and the Nation as a whole."

And to that, Mr. Chairman, I can only add, amen. Thank you, Mr. Chairman and members of the committee.

The CHAIRMAN. Thank you very much, Governor, for that very strong statement.

[Applause.]

The CHAIRMAN. You have some very enthusiastic supporters out there. And one we would like to recognize is the First Lady of Puerto Rico, the Governor's wife, Mrs. Rossello.

[Applause.]

The CHAIRMAN. Thank you very much.

Governor, we are going to open the questions to you at this time. I want to express my regrets for the tragic accident that happened at Vieques. It is my opinion that with the population on that Island and the necessity of having an area where we can initiate exercises, I think it is fair to say that we are either going to have to change our procedures or find another place to go. And I did want to express my deep concern for that tragedy to you.

Governor ROSSELLO. Thank you, Mr. Chairman.

The CHAIRMAN. Governor, I am going to leave the podium to Senator Craig, as I indicated earlier. And I would encourage my col-

leagues to proceed with questions at this time. It is my intention to come back. I wish you a good day. And again, I want to thank you for your very strong and powerful statement. We look forward to hearing statements from the other witnesses, as well.

Governor ROSSELLO. Thank you.

Senator CRAIG [presiding]. Governor, thank you very much. I apologize for coming in in the middle of your testimony. I will read it in its full text. We do appreciate you being here.

For the purpose of this hearing, as you know, last year I was one of the primary sponsors of legislation that would move us toward some definition. We were unable to deal with that legislation here in the Senate, and of course your plebiscite went forward. And I certainly cannot disagree with your comments and the results, when it was not well-defined by Congress. There are two roles to be played here—a role for Congress and a role for Puerto Ricans. And those roles have to get defined much more clearly than they have been if we are to expect a definitive and conclusive response.

With that, let me turn to my colleague, the ranking member of the committee, from New Mexico, Senator Bingaman.

Senator.

Senator BINGAMAN. Governor, thank you very much for your very strong statement. Let me sort of give you my paraphrase of a point you are making there. It seems that this fifth option that most people voted for was sort of the free beer and barbecue option, where everybody got everything and there was no pain involved. Is that essentially your view of it? That is why it was so strongly supported by people?

Governor ROSSELLO. I think, Senator, you have put it most accurately.

Senator BINGAMAN. Your other major point, as I understand it, is that Congress should get on with what the options are for Puerto Rico, and do that as soon as possible, so that the status of Puerto Rico can be finally resolved in a rational way and in a democratic way, by the people. And you would prefer to see that happen in this Congress rather than a future Congress, is that correct?

Governor ROSSELLO. That is correct, Senator. I think, as has been mentioned many times, we have been a territory of the United States for over 100 years. There is no territory except for one, the former Territory of Oklahoma, that had a longer history as a territory of the United States without being defined as to its final status. Save for Oklahoma, every other territory of the United States had a final resolution of their status, their political status, before the 100-year mark.

So I think it is incumbent, first, for this Congress to accept and adopt its responsibilities, under the Constitution, that are very clearly defined, as to making the necessary rules concerning territories, to finish what is obviously not a permanent a solution—a solution that right now has very little support from all political aspects and from all ideological points of view in Puerto Rico. All political views in Puerto Rico would come up here and tell you, I think very straight, that the final resolution of Puerto Rico's political status should be under a status that is not under the so-called Territorial Clause.

So yes, in the short answer to your question, we would expect Congress to assume its responsibility. And certainly, after 100 years of waiting, we would expect this Congress to act on those responsibilities.

Senator BINGAMAN. Thank you very much.

That is all I had, Mr. Chairman.

[Applause.]

Senator CRAIG. Thank you, Senator.

Let me turn to Senator Craig Thomas.

Senator THOMAS. Thank you, Senator.

Governor, you are very open on your definition of the Congress' responsibilities. What about your responsibilities? What job did you have to make the questions before the voters be accurate?

Governor ROSSELLO. My personal responsibilities?

Senator THOMAS. Yes, you. You are the Governor, are you not?

Governor ROSSELLO. Yes. My personal responsibility is to take this for the people of Puerto Rico, to finally resolve this status, lingering status discussion.

Senator THOMAS. I am talking about the language. You refer always that the language was not clear and that the people made—what did you do about that? You did this in 1993. The results were basically the same. You apparently went through the same process. You are the Governor.

Governor ROSSELLO. Yes.

Senator THOMAS. Why did not you change things so that you would have had fair questions?

Governor ROSSELLO. Well, let me again go over a point that I made in my statement. In 1993, we allowed each political party to define its own formula. I did that. I sent the bill to our legislature. I assume full responsibility. But now I say it was a major mistake. Because you cannot allow simply the political parties to set up a wish list of what they would want.

If I had acted as a statehood, under that premise, I could have probably defined a statehood where Puerto Rico would come in with four senators instead of two senators. But that is not constitutionally valid. So yes, I agree, in my responsibility, I made a mistake in 1993 by allowing the political parties to make the definition. I think that mistake has to be corrected, and the definitions have to be placed where they belong, in the Congress.

In 1998, again, we used Congress' definitions, in those that were in H.R. 856. We took them and we put it in our ballot. But I must say that in the bill that I presented to the legislature, there was no fifth column. The fifth column was added by our legislature on the basis of jurisprudence that was established by our State Supreme Court, that said that in any event like this, a fifth column may be, in the case, for example, of a candidate, a write-in column should be added.

That was a definition, or a blank space, that was not gone over by this Congress and was not included in H.R. 856. My responsibility was to take whatever Congress did. And I had hoped that this committee and that this Senate had acted in accordance with the House, to make sure that this would have been mandated.

Senator THOMAS. I understand. But let me share with you some frustration. And I am open on this issue. I am not one side or the

other. But you constantly come here and shift the blame to the Congress. You knew that the court had made this decision in 1993. Why did not your legislature change it?

Governor ROSSELLO. I am not trying to place blame, Senator.

Senator THOMAS. Well, you do, though. That is all you talk about is the responsibility of somebody else.

Governor ROSSELLO. Nobody can make you feel blame unless you feel that you have some part of it.

Senator THOMAS. And you have some part of it?

Governor ROSSELLO. I do, and so do you.

Senator THOMAS. Yes. But you knew this was going to happen. You knew the court had made that decision. You knew the fifth column would be there. So why did not you and the legislature and all your people, who say that does not work, do something about it?

Governor ROSSELLO. Because in the same way that you have differences in political parties here—

Senator THOMAS. Okay, then you cannot decide.

Governor ROSSELLO [continuing]. You sometimes cannot reach agreement.

Senator THOMAS. Okay.

Governor ROSSELLO. In this Congress, on this committee, and in this Senate.

Senator THOMAS. Well, why do not you say that then?

Governor ROSSELLO. And so this is a byproduct of the political process, Senator.

Senator THOMAS. I see.

Governor ROSSELLO. What I am saying is that if you want to take it as blame, you take it as blame. But what I am saying is that you have a responsibility, under the Constitution, which you cannot deny, of making certain that this unfinished business of the democracy is finally resolved.

Senator THOMAS. You already said that. You do not need to continue it, Governor.

But understand what I am saying to you. You have some responsibility, as well.

Governor ROSSELLO. Yes, I agree.

Senator THOMAS. You have been here a number of times. And, frankly, I am getting a little impatient with it is always our responsibility.

Governor ROSSELLO. No, I am getting a little impatient, every time we come up and say that it is our responsibility.

[Applause.]

Senator THOMAS. Fine.

Senator CRAIG. I think everyone appreciates applause. It will only lengthen the process. Thank you.

Senator Thomas.

Senator THOMAS. I had another comment, but I just need to make that point. And I do not want to pursue it any further. I think it is something you need to understand. Many people, for example, also will not agree with your analysis of the 50.3 votes in that category. Is that not true?

Governor ROSSELLO. I agree that I need to understand that, and we will keep coming back until you also understand what this is all about.

Senator THOMAS. No, it is not a matter of understanding. There are people who have analyzed the 50.3 and come up with quite a different version than yours.

Governor ROSSELLO. Sure.

Senator THOMAS. I just wanted to make that clear. Very well.

Thank you, sir.

Senator CRAIG. Thank you.

Now, Senator Akaka.

STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

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

I want to welcome the good Governor to the Senate here.

Governor ROSSELLO. Thank you, sir.

Senator AKAKA. And I want to thank our chairman for holding this hearing.

As you point out, this is unfinished business for the Senate and for the Congress and for the U.S. Government, in dealing with your desires here. I want to tell you, and you know this, that the relationship between you and the U.S. Government is dependent on the desires of its citizens. And you point out the history very well. And I am so glad that you did recall the precedents that were set in the State of Wisconsin and also in Oklahoma.

And as you know, I come from the youngest State, Hawaii, into the Union here. And I say that only to tell you that I share what you are going through, that we had to go through this, too. And we had a difficult time. There was a lot of opposition. We had to deal at that time with our territorial legislature and with individuals, as well as with the Congress. Fortunately, it worked out.

The leadership at that time of the Nation, as well as of the Congress, was such that it was able to work out here. And as I know, LBJ had an important part, and Rayburn also had an important part in bringing this about for Hawaii and for Alaska.

I know you have been struggling, struggling over the years with plebiscites that you have had, in trying to determine the desires of the citizens of Puerto Rico, and now have come to us to ask whether we would take a lead in this. And I tell you that I hope that we will be able to deal with this as quickly as we can and as expeditiously as we can. I know, Governor, that you have really worked hard, and your people, in trying to bring a case to us. And we have heard from the independent people, we have heard from the commonwealth, and we have heard from the statehood people, as well.

So we also have a tough job to do here, to do what is right for Puerto Rico and for our Nation. There is no question that Puerto Rico has played a huge part in serving our country. If we go back to patronage as well as your people who participated in the wars of our country, Puerto Rico has contributed so much to us.

Again, I look forward to working with you and with our committee in trying to bring determination to what you bring before us. And I look forward to hearing from the other panelists, as well, today.

Thank you very much, Mr. Chairman.

Governor ROSSELLO. Thank you, Senator.

Senator CRAIG. Thank you very much, Senator Akaka.

Excuse me, Governor, did you wish to comment?

Governor ROSSELLO. No. I just wanted to thank the Senator. Because I think he feels the pain maybe more than many others. Because, as the Senator said, Hawaii is the most recent addition to the Union and has in its mind and probably in its experience the freshest memories of the difficult road that this entails. And so I am grateful for his comments.

Senator AKAKA. Mr. Chairman, may I ask a question?

Senator CRAIG. Certainly.

Senator AKAKA. Governor, I know you have been through these plebiscites and all of that. But when will the citizens—and I am interested in the citizens' relationships—be prepared to vote on status options again? And what must happen in Puerto Rico before you would recommend another plebiscite or referendum, if that is what you desire?

Governor ROSSELLO. I think the one remaining factor that has been missing is a role by Congress in defining the options, as I mentioned before, as has been made in other territories throughout the history of the United States. Once this Congress assumes its responsibility—it does not have to make the decision, it just has to define the valid options—then I think that is the time to present this to the people of Puerto Rico again, and for Congress to then respond to a clear picture of what the will of the people of Puerto Rico is.

Senator AKAKA. Do you have anything to say to members of Congress who are reluctant to consider Federal legislation to authorize plebiscite questions, because they fear that it may change the balance of power among the parties?

Governor ROSSELLO. Well, I think that I would say to those that this is a valid consideration, but it should not be the overwhelming consideration. This is a question of disenfranchisement of nearly 4 million U.S. citizens. And political party considerations aside, this is something that has to be resolved.

I think all of the Senators, all of the Representatives in the House are here to look after the business of the Nation. It is true they belong to different parties, but their ultimate responsibility is to look for the business of the Nation. And I think that should be the major consideration.

We can discuss it. We can maybe look for a matter where this is responded to. Hawaii and Alaska, as you know, came in under an unwritten pact that one would be Democratic and one would be Republican, so that that issue was skirted.

It is interesting, and I know that the Senator knows, that it was projected that Hawaii would be forever Republican and that Alaska would be forever Democrat. History has shown us that we are very poor predictors of the future.

Senator AKAKA. That is interesting. And you are correct, that at that time, Alaska was very Democratic and Hawaii was very Republican. And as a result and because of the leadership in the Congress at that time, Alaska went first. It was Democratic. And because they were received into the Union, I think they could not

keep Hawaii out at that time. So we were able to come in right after Alaska.

Thank you very much, Mr. Chairman.

Senator CRAIG. Thank you, Senator Akaka.

Now, Senator Bayh.

Senator BAYH. Thank you, Mr. Chairman.

Governor, I would like to ask you a question. As you know, our Nation is currently involved in hostilities in the Balkans, and Puerto Ricans have a long and honorable tradition of military service. In fact, Puerto Ricans can be compelled, through the draft, to serve in our military.

I would like to ask you, how do the young men and women of Puerto Rico feel about a system in which a government can compel them to possibly give their lives defending a country and yet they have no right to vote for that government or the representatives that might possibly send them to war?

[Applause.]

Governor ROSSELLO. Senator Bayh, I think the spontaneous response reiterates what our people feel about that. Certainly it is a grave inconsistency that the Commander in Chief of the United States can order, recruit and send to war Puerto Ricans who have no say in either the decisions that are made by this Congress or in the election of the President of the United States. I think Puerto Rico has responded in a very generous manner to those calls for sacrifice in defending democracy. Puerto Rico has a higher per capita casualties, deaths, in wars, or participation, than most of the States. And, I dare say, all of the States.

So I would say that this is one of the things that when we look at the workings of democracy and we look at nearly 4 million U.S. citizens that are compelled by our Commander in Chief to go to war, and have no say in the decisions of this Nation, that that is the major inconsistency. That is the unfinished business of the democracy that we are talking about.

Senator BAYH. Thank you, Governor.

I recall from my own days as being Governor, economic growth and job creation are very important. And I know it is important to expanding the welfare of the people of Puerto Rico, just as it is the citizens of my State of Indiana. And one of the things that I get to do as a member of the banking committee, another committee that I serve on, is to spend time with Alan Greenspan and Bob Rubin, and the architects of the strong economy we have today. And it is their feeling that investment is critically important to job creation, to increasing competitiveness, to raising wages and creating a better standard of living.

I am wondering, as Governor, certainty is very important for investment. This uncertainty surrounding the status of the territory, does that have an impact on economic growth, investment and job creation for your citizens?

Governor ROSSELLO. Absolutely, Senator. I think this is evident only in what you have stated, but also historically. We have seen how every territory of the Union that became a State, its economy, once it became a State, flourished compared to the territorial economy. The most recent case is Hawaii. Hawaii was growing at a pace of 4 percent per year increase in the gross product as a terri-

tory. Once it became a State, for the next decade, it grew at 7 percent—nearly doubling its growth in its economy. It is a historical certainty that this will happen.

I think one big factor is that uncertainty, in terms of investment in a territory, where you do not know what the final option is going to be. But also a territory has limitations, in terms of its instruments, compared to States. It is no mystery that when you look over the past 50 years at the growth of the economy of Puerto Rico compared to the States, the difference that exists between the economy of Puerto Rico, in any parameter that you want to follow—be it jobs, employment, gross product, whatever—if you look at the difference, it has remained the same.

Puerto Rico has gotten better, yes. But the difference, the deficit, has remained the same. It is a structural problem. Unless you eliminate that structural problem, you will always have a dependent territory that cannot be a full partner with the rest of the States.

Senator BAYH. I would like to ask a question about the results of the plebiscite.

Mr. Chairman, I would like to say also that, at least speaking for myself, I am glad that one of our courts cannot order the placement of "none of the above" on the ballot, or I might not be sitting here, asking questions today. Perhaps that applies to some other members of this body, as well.

[Laughter.]

Senator BAYH. But putting that aside, I am pleased to see that you are here asking for certainty. And I did look at the way the questions were put. Is it your analysis that really the only thing we can determine from these results is that the status quo, or the current situation, was rejected? Is that your interpretation?

Governor ROSSELLO. I think it is the strongest message. We have been hearing here from Congress that we have to get our act together. And I assume that responsibility. So if you look at the results, there is one overwhelming factor. Less than .1 percent, less than one-tenth of a percent, is in favor of the current status as has been defined by this Congress through the House bill.

That means that all options that we should have for future are options of change, different options from the current territorial status. All—and I think I speak for all Puerto Ricans—all Puerto Ricans would not accept a territorial status that maintains Puerto Rico under the Territorial Clause. So yes, I think that the most powerful, the most eloquent message of this plebiscite is that we have to look for other change options, not the current status. The current status has been limited in its scope.

Senator BAYH. My final question, Governor, and then one point of personal privilege, and then we can get on with the rest of the hearing here. My colleague, Senator Thomas, spoke about our mutual responsibilities under the constitutional system. And surely we all bear responsibilities for resolving this situation and bringing some clarity to the future status of Puerto Rico, of the Territory. Is it true that under the Constitution, the ultimate responsibility lies with the Federal Government for determining the admission to the Union as a State, for setting the qualifications, establishing the procedure, that sort of thing?

Governor ROSSELLO. Absolutely. I think it is very clear that the Constitution provides for Congress to have, basically, the absolute determination, absolute power over U.S. territories. This is very clear. I do not think anybody would argue on that point. It has been that way throughout history. It has been that way every time a territory has become a State. And so that responsibility does not lie anywhere than in this Congress.

Senator BAYH. I recall from my years as Governor dealing with my own State legislature. And they are good people. And we all did the best we could to try and resolve the issues that faced my State. But sometimes there was division and sometimes there was difference of opinion. My understanding, under our constitutional system, is that for issues of this importance—explicitly, in this case, in the Constitution—while we do have a Federal system and there is an allocation of responsibilities between the Federal and the State level, the ultimate responsibility, with your help and cooperation—the ultimate responsibility does rest with the Federal Government in this case.

Governor, I would like to thank you for being here. I had the privilege of serving with you for many years in the Governors Association. I appreciate your leadership of the Territory. And along with the chairman, I want to acknowledge the presence of your lovely First Lady, Maga, in the audience. As is the case with me, my citizens frequently tell me they voted for the First Lady's husband. So I thank you for your presence today, and I appreciate your testimony.

Governor ROSSELLO. Thank you, sir.

[Applause.]

Senator CRAIG. Well, Governor, now we know why Senator Bayh is Senator.

[Laughter.]

Senator CRAIG. Thank you very much, Senator.

Now, Senator Landrieu.

STATEMENT OF HON. MARY L. LANDRIEU, U.S. SENATOR FROM LOUISIANA

Senator LANDRIEU. Thank you.

Let me begin by thanking the chairman, even in his absence, for calling this hearing. Several of us requested and thought it would be a good thing to have a hearing to try to bring some clarity to the plebiscite vote and to give you the opportunity, Governor, to return and speak as eloquently as you always do before this committee, in trying to help us understand where we are.

I also want to thank you, Senator, for your good work, Senator Craig, as the key sponsor of the bill and the efforts that this committee has made, and to acknowledge, as you did in your statement, the many years, actually, that this committee has spent.

It is my hope that this hearing will be helpful to bring some clarity and that we can, as a committee, help to make these definitions more clear, so that we could perhaps make some progress this year on this issue.

I want to agree with you, Governor, and thank you for your statement, that one of the things that should be very clear from this morning's meeting is that the plebiscite was a rejection of the

status quo. I am actually amazed, as Senator Bayh pointed out, with "none of the above," which is a very attractive option. It is a free beer, free barbecue, free lunch, free beignets.

Senator CRAIG. How about gumbo?

Senator LANDRIEU. Yes, free gumbo.

[Laughter.]

Senator LANDRIEU. If you could get away with voting—

Senator GRAHAM. We charge for orange juice.

Senator LANDRIEU. Free orange juice. But Bob says they charge for orange juice.

If people were given that option, I think it would win all the time on every ballot. So it is sort of a false choice, because there are no free lunches and free barbecues and free beer. And I recognize that it was a dilemma between your legislature and your courts—your legislature afraid that if they did not include it, the plebiscite might be thrown out, as it was before, by the courts because the "other" option was not put on.

So I have to say to Senator Thomas that there has been a valiant struggle here to present steady and clear options. And it is not any one particular person's fault. But it is our responsibility now, I think, as this Congress, to give the right and clear options. And I am hoping that we can do that.

[Applause.]

Senator LANDRIEU. So, in order to help that, I have some questions that I want to ask—not at this time, but the Commonwealth Party, if they could more clearly define. I have read with some interest some of the options that are on the Web page. And I am going to be asking them about some of the things that they believe commonwealth represents—if Puerto Rico would have the right to veto laws passed by the Congress, to continue the subsidy that is currently received, to be able to enter into treaties on their own. These are things that I think they may throw out, but are not really legitimate possibilities under the choices we have.

So I am going to be asking some questions, and hopefully can stay here long enough to do that. But I just want to thank the chairman for calling this hearing, thanking you for your leadership. I think you have been surprisingly evenhanded, given your strong feeling towards statehood, in trying to help Puerto Rico make the right decision for itself, and being willing to live by it, but trying to help us all get to a point where we can make honest choices and not be given these "none of the above" and free lunches kinds of options.

So I want to continue to work with you. And thank you, Governor, very much, and your lovely wife, for being here.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT OF HON. MARY L. LANDRIEU, U.S. SENATOR FROM LOUISIANA

Mr. Chairman, I am very pleased that we are having this hearing today. We have an important responsibility to our fellow American citizens of Puerto Rico, and we should address their legitimate interests in seeing their island's ultimate status finally resolved. Like many of my colleagues, I have a great deal of admiration and respect for Governor Pedro Rossello, and I hope we can do our part to move this process forward.

However, to understand this issue properly, we need to consider the history of other U.S. possessions that either became states, or were granted independence. As you know, Mr. Chairman, in 1916 Congress informed the people of the Philippine

Islands, then a U.S. territory, that they would not have U.S. citizenship or permanent union with America. Instead, on August 29, 1916, Congress declared that the ultimate status of the Philippines would be independence. Based on that unambiguous decision by Congress, several years later the Philippines were organized and administered as a commonwealth territory until independence was achieved. Even though difficult internal politics delayed the process and World War II intervened, everyone knew the policy and intention of Congress regarding ultimate status—and they knew it very early on.

Back in those days, Mr. Chairman, Congress generally moved quickly on these issues. Just six months after deciding the ultimate status of the Philippines, Congress conferred U.S. citizenship on the people of Puerto Rico. Yet, in that Act of Congress on March 2, 1917, Congress declined to declare its ultimate intentions regarding the final status of Puerto Rico. Although self-government under a locally adopted constitution was authorized by Congress in 1950 and implemented in 1952, neither before nor since has Congress declared its intentions regarding Puerto Rico's ultimate status.

The local Puerto Rico constitution was approved by majority vote under a federal referendum law, but that was not a political status vote because Congress did not provide for either independence or statehood on the ballot. Now we convene here today to consider the 1998 status vote conducted under local law in which virtually the entire voter population rejected the U.S. statutory definition of territorial commonwealth. To make it even more interesting, a majority actually voted for an option that has no real meaning, and was certainly outside the range of options the House and Senate were considering last year. This is both confusing and troubling to me. It tells me that we should have acted last year when the time was right and the issue was ripe, and it tells me too, that we need to grab hold of this issue and set the terms for Puerto Rico to decide its ultimate status.

It also troubles me that except for the Philippines, other territories with large U.S. citizen populations were incorporated, leading to statehood, and ultimate status was resolved based on equal citizenship rights.

So I have to ask some difficult questions: Why has Puerto Rico been left in a state of limbo as to its ultimate status for so many decades? What does it mean when Congress grants U.S. citizenship but does not create a mechanism through which equality with all other citizens can be achieved? Can inequality of civil and political rights actually be a permanent status? Can we credibly withhold a federally established mechanism for Puerto Rico to seek either statehood or independence in the future?

Our times are not quite as simple as 1916, and today we have a more complicated concept of self-determination—we are fighting in Kosovo over just this kind of issue. However, rather than being an excuse for failing to declare its intention regarding self-determination options for Puerto Rico, U.S. global leadership in support of self-determination demands that Congress act. Indeed, more than anything else the results we are going to hear about today may mean that Congress, and the U.S. Senate in particular, need to take the initiative, and let the U.S. citizens of Puerto Rico decide their future.

Governor ROSSELLO. Thank you, Senator.

Senator CRAIG. Thank you, Senator Landrieu.

Senator Graham.

Senator GRAHAM. Thank you, Senator.

And I also wish to thank Senator Murkowski for holding this hearing.

And I welcome my good friend, the Governor, for his returning to answer some of the questions that we and the people of the United States have as to what are current political circumstances in Puerto Rico. And I am pleased that so many others, who represent the full range of opinion in Puerto Rico, have joined in this discussion.

Governor, let me ask, what do you think Congress should consider at this point in Puerto Rico's political history as the next step? We spent the better part of 5 years attempting to develop a plebiscite that would have congressional sanction, including congressional statement of what the different options would mean, defining meaning by what the Congress would be willing to actually

enact and provide for Puerto Rico. That failed in 1998. And I think you, with a great deal of political courage, requested the Puerto Rican people to have their own plebiscite, which they did at the end of last year.

With that summary of history, what do you think is the next step?

Governor ROSSELLO. Senator, I think that I look at this as a process. In the long range, it is a process that has lasted over 100 years. But in the shorter range, it is a process was initiated actually in this committee 10 years ago, when the political leaders of Puerto Rico unanimously requested action by Congress and by the President. I think a lot has been advanced.

I must grant you that I would have liked a faster pace. But I also have to acknowledge that a lot has been advanced. We have discussed amply, from every perspective, the different options that could be considered valid by this Congress. And I think the only remaining issue to settle is whether this other definition that has been hanging in the air has the validity to be presented to the people of Puerto Rico.

Once that is addressed, once that is decided, then I think Congress is in a position to say to Puerto Rico: These are the options. These are the options that Congress is willing to accept. These are valid. You can vote with full confidence on these different things, and not have the phenomenon that we have here of voting for an empty column.

That is the only element that is remaining in this effort that is a decade long. Once that is achieved, I think then the people of Puerto Rico will have the responsibility, directly, of taking action on those options. Then we will have no other excuse, or no other reason, to say that we have been undefined on this issue. I think it is fair to accept that the current status is not only not supported, but I think in the minds of everybody, it has been historically a transitional status, not a permanent status.

Under the U.S. Constitution, you be either a State or you can be a Territory. But the Territory has not been conceived as a permanent status.

So I think that this committee, this Senate, this Congress has to only build up on what has already been achieved. There is a very small step that has to be taken, but a very significant one. And that is defining if there is another option, defining if that option is valid, and what its components are, so that we can take an honest and clear option to the people of Puerto Rico.

Senator GRAHAM. With that suggestion of a road map, let me ask another question. Are there any changes in the current organic law that outlines the relationship between Puerto Rico and the United States of America that you would recommend changing? And I am asking you this question, but I am also asking it over your shoulder to the people who will be testifying on the next panel, because unfortunately I am going to have to leave at approximately 11 o'clock, and probably will not be able to ask them that question. But I would like to have, with as much specificity as possible, what changes persons who represent different points of view on what the ultimate political status of Puerto Rico should be, what changes they would recommend in the current organic law.

Governor ROSSELLO. Senator, I do not have any changes to recommend, because I feel that the change has to be a different relationship. If you continue to make changes on the periphery, then the relationship that was established in 1898, and which has continued with changes, but no major change in the relationship between Puerto Rico and the rest of the States, the United States, then we are basically at the same state. Puerto Rico has been a territory of the United States since 1898. It has changed its form, but not in the relationship between Puerto Rico and the United States.

For the first 2 years, it was under a military regime. For the next half-century, it was under a civil regime, but by appointment by the President of the Governors of Puerto Rico, and, basically, very limited local self-government. Since 1952, it was increased, to have local self-government. But certainly the relationship between Puerto Rico and the rest of the United States remained unaltered. For over 100 years that has not been changed.

So I would not urge this Congress to change things in the periphery, go on the outside. We have to look at changing the essence of that relationship. Because, as I stated before, it is not a permanent relationship, and it should be changed in its substance and not in simply the surroundings.

Senator GRAHAM. Thank you.

Governor ROSSELLO. Thank you, Senator.

Senator CRAIG. Senator Graham, thank you very much.

Governor, we thank you very much for your testimony. The choices that are going to have to be made are clearly those that are available under the Constitution. Puerto Rico's current territorial status I think must be resolved at some point in the future. That is why I have expressed what I have in the past and will continue to do so.

But when that is depends on Puerto Ricans and the Congress of the United States. The Constitution defines the relationship. And Public Law 600, if you will, fleshes it out—gives those options clarity within that constitutional relationship. I do not think any of us can deny that or deny the Constitution. And ultimately these choices will have to be made.

Building a majority in the U.S. Congress to be able to bring those expressions about, under our constitutional responsibility, is not easy, as you know. As it is similar with you and your State legislature and the citizens of Puerto Rico.

I do thank you today for attempting to clarify what the December plebiscite meant. And it is important that we hear it from you and other Puerto Ricans, so that we have a better understanding of what we may be able to do here in bringing about greater clarity.

Thank you so much for being with us today.

Governor ROSSELLO. Thank you, sir.

[Applause.]

Senator CRAIG. Thank you all very much.

And now, for the sake of time, let us move quickly to our panel. And if those of you who understand that I do not speak Spanish fluently will give me that courtesy, we will work at the introduction of our next panel. The Hon. Anibal Acevedo-Vila, the president of the Popular Democratic Party; the Hon. Ruben Berrios-Martinez, president of the Puerto Rico Independence Party; Luis Vega-

Ramos, president of PROELA; and this marvelous lady who I should never struggle with her name because I know her well, Zoraida Fonalledas, representing the New Progressive Party. Work with me again.

Ms. FONALLEDAS. ZORAIDA, BUT YOU CAN CALL ME ZORRY.

Senator CRAIG. Zorry, all right.

Thank you very much for being with us today. And now let us turn to the Hon. Anibal Vila.

• **STATEMENT OF ANIBAL ACEVEDO-VILA, PRESIDENT, POPULAR DEMOCRATIC PARTY, COMMONWEALTH OF PUERTO RICO**

Mr. ACEVEDO-VILA. Good morning, Senator and other members of this committee. Thank you very much for your invitation to testify before you on this hearing to consider the results of the 1998 plebiscite. My name is Anibal Acevedo-Vila, and I am the President of the Popular Democratic Party, the longstanding defender of the commonwealth of Puerto Rico.

In the ballot of December 13, 1998, political status consultation, there was no commonwealth option as we know it. Therefore, the Popular Democratic Party asked voters to reject all the status alternatives and vote for the option entitled "none of the above." As you know, our position prevailed, and we obtained an absolute majority of the votes. We won the plebiscite, and therefore hold the mandate on behalf of the people.

In order to assist this committee in reviewing these results, it would be useful to divide my presentation into five concise aspects. But before I get into that issue, it is my duty as president of the Popular Democratic Party and as a citizen of Puerto Rico to call your attention to the current situation in the Island of Vieques to which the chairman made reference, a small island off the eastern coast of Puerto Rico. Vieques is a municipality of Puerto Rico. More than 10,000 Puerto Ricans live there.

Of the Island's total 33,000 acres, the U.S. Navy owns approximately 22,600. For many years, the U.S. Navy has been conducting maneuvers with live ammunition in Vieques, right next to the civilian population. This action has continuously put in danger the lives and property of the people of Vieques. As recent as 2 weeks ago, the life of a young civilian worker of the base was lost because of a misfired bomb.

I am a strong believer in the common defense between Puerto Rico and the United States. But the people of Vieques are paying too high a cost for our common defense. The common goals of Puerto Rico and the United States have always been for the benefit of both nations. But the use of live ammunition has to stop once and for all. And the eventual devolution of lands to the people of Vieques should start as soon as possible.

That is the consensus among all political and social sectors in Puerto Rico. The civil rights of the people of Vieques must be protected. I request the intervention of this committee in order to find a prompt solution to this situation.

Let us go now to the plebiscite vote. Why we had the vote: I will be brief on this issue, since I believe that this committee is well versed on the reasons why the Governor of Puerto Rico wanted to

have a status plebiscite in Puerto Rico. Suffice it to say the Governor decided to call his own vote once it became clear that the Congress will not enact a pro-State legislation authorizing a plebiscite. Moreover, the Governor was in desperate need to fabricate an electoral mandate for statehood in order to force statehood legislation before this Congress.

While some individuals have blamed Congress for not enacting legislation, I do not believe Congress can be blamed for its judgment. No legislation was enacted because supporters of statehood were more concerned with getting a bill tilted toward their option than to obtaining a bill that would provide a workable framework for a democratic and an all-encompassing solution to this issue.

Second, the plebiscite ballot: When the Governor announced that he would organize a vote under the laws of commonwealth, we in the Popular Democratic Party were doubtful of the usefulness and intentions behind this vote, but we, nevertheless, accepted the challenge. Unfortunately, the pro-statehood majority in the legislative assembly excluded us from the process of drafting the ballot. Supporters of commonwealth were faced with a ballot in which our preferred option was not included.

Additionally, the misleading definition of commonwealth, under column 1, contained several legally inaccurate statements which made it intolerable. On the issue of U.S. citizenship, for example, pro-statehood forces wanted to be able to claim in their propaganda campaign that the citizenship of Puerto Ricans was at risk unless people voted for statehood. They were able to make this false claim by writing a description of commonwealth which failed to recognize that our citizenship is protected by the U.S. Constitution.

Even the Young bill, which was so biased against commonwealth, recognized the constitutional protection of the U.S. citizenship we enjoy. The description under column 1 also failed to recognize that our relationship with the United States is based on mutual consent. Even the definition on the Young bill said that the relationship was based on mutual consent.

It is common knowledge that each and every one of the status options can be described in numerous different ways. But for the process to work, each option must be described fairly.

Imagine that the PDP had controlled this process and had included the following description of statehood on the ballot:

Puerto Rico loses all existing international identity separate from the United States in order to become a State of the Union, subject to the uniform application of all Federal laws, including the full imposition of the Federal income tax system by a Congress in which Puerto Rico will have less than 1.5 percent of the voting power and where more than 90 percent of the members do not speak Spanish and represent districts with populations that are culturally different from that of Puerto Rico and with a geography that is different from that of Puerto Rico.

That is certainly not a very appealing description of statehood. It is admittedly biased against statehood, yet it is 100 percent accurate as a matter of fact and law. The description of commonwealth, under column 1, was biased against commonwealth and it also was legally inaccurate. Accordingly, we had no alternative but to support the option entitled "none of the above."

While the PDP has always maintained our interests and belief in developing the commonwealth status, as I indicated before, we were not permitted to present voters in the petitions ballot with a proposal for a development of commonwealth. Accordingly, our next best option was to support what we have under commonwealth right now. We could do that only with a vote for "none of the above."

Third, the campaign: The first issue that must be mentioned with regards to the campaign is the unfairness in terms of financial resources. And I heard a lot about free lunch here. Supporters of statehood wrote the law authorizing the vote in a manner that purposely denied the Popular Democratic Party access to public funds to support our campaign. All other political parties got \$666,000 from public funds in their campaign. We did not receive a single cent from public funds.

In the end, based on reports filed with the State Election Commission and on an analysis of the ads broadcast on TV and radio, supporters of statehood spent between \$13 million and \$15 million in their campaign. Supporters of the fifth column and the PDP spent only between \$3 million and \$4 million in support of the vote for "none of the above."

Some statehood advocates have complained that another vote is necessary because voters were somehow confused, and that voters need further clarification of the options. I strongly reject such a condescending attitude towards voters. And I believe that this committee should not be a part of such an insult to the intelligence of our voters.

The fact is that if voters were confused—which I do not think is the case—statehood advocates only have themselves to blame because of their demagogue campaign issues. Television ads constantly aired by the statehood forces gave voters a highly distorted view of statehood, as the following quote from their televised campaign illustrates. And I have a copy here of those ads, which I am going to hand to the chairman, and we are going to be handing copies to everyone here.

One ad proudly proclaimed the laughable notion that as a State of the Union, Puerto Rico will be able to maintain its separate Olympic representation in competition teams against the USA. And I am quoting the ad: With statehood, we will continue to keep our Olympic team.

Several ads proclaim that statehood will be an economic bonanza for Puerto Rico as a result of additional Federal welfare benefits, paying less taxes, and the bonus that everyone will receive with the Earned Income Tax Credit. And you have a copy of this.

The most visually stimulating of these ads is the one in which a never-ending river of dollar signs is seen flowing from Washington to Puerto Rico.

Another of the ads said: With statehood, you will pay less taxes than you pay now. If you are a head of a household and earn \$12,000, you will pay \$99 and will receive an earned income tax credit of \$2,195.

Several ads were almost militant in their conviction that under statehood everything will continue in Spanish. One of them said: With statehood, we will remain what we are. We enter the Nation

with our language, our culture, stronger than ever, speaking Spanish. Statehood, your language, your culture, your future.

Senator CRAIG. Sir, would you attempt to wrap up, please? I am giving each one of you 10 minutes, so that we have adequate time for questions.

Mr. ACEVEDO-VILA. The invitation said 15 minutes. I have it here. I can try to summarize, yes.

Senator CRAIG. The invitations say 15. All right. I will give you another 5. I did not send the invitation out. Please, continue. You have 5 more minutes.

Mr. ACEVEDO-VILA. But I am going to try to summarize, yes.

Clearly, those quotes demonstrate that the statehood leaders knew that the statehood they tried to sell here in Washington, with Puerto Ricans eager to assimilate, is neither popular nor acceptable in Puerto Rico. In spite of this double-speak, the people of Puerto Rico were either not fooled or they simply decided that they are not interested in statehood even if it is all in Spanish, with less taxes and more welfare benefits.

The campaign in favor of "none of the above" centered on the fact that commonwealth, in which we have lived over the last 46 years, was not included under any of the ballot options. We also reached out to voters who wanted to defeat statehood and to reject the one-sided and imposed nature of the process that led to the vote. These are the voters who agree with us that any process to resolve Puerto Rico's political status must be based on consensus.

The absolute majority vote for "none of the above" is a clear rejection of statehood. Furthermore, voters understood perfectly well that by rejecting the status alternatives in the ballot, the commonwealth relationship as we know it will continue. That is a fact which nobody can dispute. Any further attempt to psychoanalyze voters will essentially serve no purpose other than to indulge the complaints of losers in a democratic event.

The vote results: While today it is universally understood that statehood lost, some supporters of statehood still do not want to accept the truth. In spite of this disturbing post-election distortion of the outcome, people quickly understood that statehood had lost and that the people of Puerto Rico had found a way to confirm their support for commonwealth. That was the message conveyed to the American people by virtually all of the newspapers that editorialized on this issue.

As I stated above, I do recognize that some of the people who voted for "none of the above" are not necessarily supporters of commonwealth, but, instead, voted with us to reject the whole process and to defeat statehood. Accordingly, I am not here to argue that the vote is a mandate for the development of commonwealth. I am here, however, to make sure that this committee understands that the people of Puerto Rico were unambiguous in their rejection of statehood, especially when the Governor continues to show his lack of respect to the will of the people and insists that statehood won.

The truth is clear. For the second time in 5 years, the people of Puerto Rico have rejected statehood, in two plebiscites called by and organized by the statehood party. While I believe that the vote results are clear, I recognize that the status issue has not been re-

solved. Those of us who support commonwealth have an unfinished agenda to develop commonwealth.

What should Congress do? In light of the undeniable fact that the people of Puerto Rico have repeatedly rejected statehood and independence, Congress should continue to concentrate on an agenda to develop commonwealth in a way that will benefit both Puerto Rico and the United States. While I recognize the difficulty of moving forward on the development of commonwealth while the Governor of Puerto Rico is against commonwealth, I am more than willing to sit down with any member of Congress who is interested in pursuing that course.

Thank you.

[The prepared statement of Mr. Vila follows:]

PREPARED STATEMENT OF ANIBAL ACEVEDO-VILA, PRESIDENT, POPULAR DEMOCRATIC PARTY, COMMONWEALTH OF PUERTO RICO

Chairman Murkowski and honorable members of this committee, thank you very much for your invitation to testify before you on this hearing "to consider the results of the 1998 Plebiscite". My name is Anibal Acevedo-Vila, Minority Leader of the House of Representatives of the Commonwealth of Puerto Rico. I am also the President of the Popular Democratic Party (PDP), the long-standing defender of the Commonwealth of Puerto Rico. In the ballot of the December 13th, 1998 political status consultation there was no Commonwealth option as we know it, therefore the PDP asked voters to reject all the status alternatives and vote for the option titled "None of the Above." As you know, our position prevailed and we obtained an absolute majority of the votes. We won the plebiscite and therefore hold the mandate on behalf of the People.

In order to assist this committee in reviewing these results, it would be useful to divide my presentation into five concise aspects. First, why we had the vote? Second, analyze the plebiscite ballot and why supporters of Commonwealth chose the "None of the Above" option. Third, a campaign analysis. Fourth, a study of the results. And fifth, where do we go from here?

But before getting into my remarks on this issue, it is my duty as President of the Popular Democratic Party and as citizen of Puerto Rico to call your attention to the current situation in the island of Vieques, a small island off the eastern coast of Puerto Rico.

Vieques is a municipality of Puerto Rico. More than 10,000 Puerto Ricans live there. Of the island's total 33,000 acres, the U.S. Navy owns approximately 22,600. For many years the United States Navy has been conducting maneuvers with live ammunitions in Vieques, right next to the civilian population. These actions have continuously put in danger the lives and property of the people of Vieques. As recent as two weeks ago the life of a young civilian worker of the base was lost because of a misfired bomb.

I am a strong believer in the common defense between Puerto Rico and the United States but the people of Vieques are paying too high a cost for our common defense. The common goals of Puerto Rico and the United States have always been for the benefit of both nations but the use of live munitions has to stop once and for all and the eventual devolution of lands to the people of Vieques should start as soon as possible. That is the consensus of all sectors in Puerto Rico. The civil rights of the people of Vieques must be protected. I request the intervention of this Committee in order to find a prompt solution to this situation.

1. Why we had the vote?

I will be brief on this issue, since I believe that this committee is well versed on the reasons why the Governor of Puerto Rico wanted to have a status plebiscite in Puerto Rico. Suffice it to say, the Governor decided to call his own vote once it became clear that the Congress would not enact pro-statehood legislation authorizing a plebiscite. Moreover, the Governor was in desperate need to "fabricate" an electoral mandate for statehood in order to force statehood legislation in Congress.

While some individuals have blamed Congress for not enacting legislation, I do not believe Congress can be blamed for its judgment. No legislation was enacted because supporters of statehood were more concerned with getting a bill tilted toward their option than with obtaining a bill that would provide a workable framework for a democratic vote and an all-encompassing solution to this issue. As a result,

the House of Representatives was sharply divided on the bill written by Chairman Don Young, since it passed with the smallest margin, one vote, and the Senate was never able to generate the necessary consensus. Faced with efforts to get this committee to reinterpret the law and the Constitution, several members of this committee openly questioned why it was necessary for the Congress to approve the proposed legislation. As a result, there was no congressional legislation enacted.

2. *The plebiscite ballot*

When the Governor announced that he would organize a vote under the laws of the Commonwealth, we in the Popular Democratic Party (PDP) were doubtful of the usefulness and intentions behind this vote, but we, nevertheless, accepted the challenge. Unfortunately, the pro-statehood majority in the Legislative Assembly excluded us from the process of drafting the ballot. Notwithstanding our exclusion, as part of the legislative process on the enabling law, I suggested in my testimony before the Puerto Rico House of Representatives that Column One include a more accurate and less biased description of Commonwealth. I suggested that it at least included the words in the Constitution of the Commonwealth of Puerto Rico to the effect that "the political power of the Commonwealth of Puerto Rico emanates from people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America." This description had already been adopted by the people of Puerto Rico and approved by the U.S. Congress (both House and Senate) and the President, but the pro-statehood majority indicated that they would not support this language. Again, we had no choice but to vote for "None of the Above," since we were completely excluded from the drafting process.

Supporters of Commonwealth were faced with a ballot in which our preferred option was not included. Additionally, the misleading definition of Commonwealth, under Column One, contained several legally inaccurate statements, which made it intolerable.

On the issue of citizenship, pro-statehood forces wanted to be able to claim in their propaganda campaign that the citizenship of Puerto Ricans was at risk, unless people voted for statehood. They were able to make this false claim by writing a description of Commonwealth, which failed to recognize that our citizenship is protected by the U.S. Constitution. Even the Young Bill, which was so biased against Commonwealth, recognized Constitutional protections for our U.S. Citizenship.

The description under Column One also failed to recognize that our relationship with the United States is based on mutual consent, therefore impeding unilateral changes to our compact. In addition to these legally inaccurate statements, the description of Commonwealth under Column One was also written using fundamentally biased language, worse than the one included in the Young bill (H.R. 856) which at least recognized the participation and the possibility of equality in all Federal programs and the sovereignty of Puerto Rico over matters not ruled by the Constitution of the United States.

It is common knowledge that each and every one of the status options can be described in numerous different ways, but for the process to work, each option must be described fairly. Imagine that the PDP had controlled this process and had included the following description of statehood on the ballot: "Puerto Rico loses all existing international identity separate from that of the United States in order to become a State of the Union subject to the uniform application of all federal laws, including the full imposition of the federal income tax system, by a Congress in which Puerto Rico will have less than 1.5% of the voting power and where more than 90% of the members do not speak Spanish and represent districts with populations that are culturally different from that of Puerto Rico and with a geography that is different from that of Puerto Rico." That is certainly not a very appealing description of statehood. It is admittedly biased against statehood, yet it is 100% accurate as a matter of fact and laws. The description of Commonwealth under Column One was biased against Commonwealth and it also was legally inaccurate. Accordingly, we had no alternative but to support the option titled "None of the Above."

While the PDP has always maintained our interest and belief in developing the Commonwealth status, as I indicated before, we were not permitted to present voters in the "petitions" ballot with a proposal for development of Commonwealth. Accordingly, our next best option was to support what we have under Commonwealth right now. We could do that only with a vote for "None of the Above."

3. *The campaign*

The first issue that must be mentioned with regards to the campaign is the unfairness in terms of financial resources. Supporters of statehood wrote the law authorizing the vote in a manner that purposely denied the PDP access to public funds

to support our campaign. All other political parties and groups were given \$666,000 in public funds for their campaigns. We did not receive a single cent from public funds. In the end, based on reports filed with the State Elections Commission and on an analysis of ads broadcasted on television, supporters of statehood spent between \$13 and \$15 million in their campaign. Supporters of the fifth column and the PDP spent only between \$3 and \$4 million in support of a vote for "None of the Above."

In spite of this five to one (5:1) funding disadvantage, it is unquestionable that the people of Puerto Rico understood what was at stake and received our message more favorably.

Some statehood advocates have complained that another vote is necessary because voters were somehow confused; and that voters need further clarification of the options. I strongly reject such a condescending attitude toward voters. And I believe that this Committee should not be a part of such an insult to the intelligence of our voters. The fact is that if voters were confused, which I do not think is the case, statehood advocates only have themselves to blame because of their demagogue campaign issues. Television ads constantly aired by the statehood forces gave voters a highly distorted view of statehood, as the following quotes from their televised campaign illustrate:

(a) One ad proudly proclaimed the laughable notion that as a State of the Union Puerto Rico would be able to maintain its separate Olympic representation in competition against Team USA. The ad said "Hong Kong is part of China and continues to participate in the Olympics. With Statehood we will continue to keep our Olympic team." Some statehood advocates might argue that this is a trivial issue, but this particular TV ad was shown over and over the campaign. Obviously, the pro-statehood strategists thought this was an important issue.

(b) Several ads proclaimed that statehood would be an economic bonanza for Puerto Ricans as a result of additional federal welfare benefits paying less taxes and the "bonus" that everyone would receive with the Earned Income Tax Credit. The most visually stimulating of these ads is the one in which a never-ending river of dollar signs is seen flowing from Washington to Puerto Rico. Another of the ads said: "With statehood you will pay less taxes than what you pay now. If you are a head of a household and earn \$12,000 you will pay \$99. And will receive an Earned Income Tax Credit of \$2,195." On economic issues, statehood proponents failed miserably in showing how Puerto Rico would continue to prosper if it became a state. Simply put, they had no economic plan other than "more welfare" and the perpetuation of dependency.

(c) Several ads were almost militant in their conviction that under statehood everything will continue "in Spanish." One of them said: "With Statehood we will remain what we are. We enter the nation with our language and our culture stronger than ever. Speaking Spanish . . . Statehood. Your language. Your culture. Your future."

(d) The "Statehood in Spanish" theme was but one form of expression of the general tone of the statehood campaign, which was proudly Puerto Rican nationalistic. In these statehood ads the American flag was completely absent; the Puerto Rican flag was always flying proudly on its own. The very same statehood advocates who come here to Washington and deny that Puerto Ricans have a separate national identity aired these ads. What better example than this to show that we are a different nation. (See Annex A for a transcript of some of these ads.)*

Clearly, those quotes demonstrated that the statehood leaders knew that the statehood that they try to sell here in Washington—with Puerto Ricans eager to assimilate—is neither popular nor acceptable in Puerto Rico. In spite of this double speak, the people of Puerto Rico were either not fooled or they simply decided that they are not interested in statehood even if it is all in Spanish, with less taxes and more welfare benefits.

Even though statehood lost, it would be useful if the members of this committee ask themselves "what if statehood had won?" What would be your reaction to a majority vote for a Puerto Rican state with its own Olympic team and a population with no desire to give up Spanish as its language of government and commerce? Also consider that people would have voted for statehood on the basis of promises of millions more in welfare benefits, a threat that U.S. citizenship would be at risk if they do not vote for statehood and with a Puerto Rican nationalistic campaign that ignored the Stars and Stripes.

Fortunately, this is only hypothetical. But it would be useful if the members of this committee publicly remind pro-statehood advocates that Congress would not

* Annex A and B have been retained in committee files.

look favorably upon a statehood petition based on such a false representation of the rights and responsibilities of becoming a state.

The campaign in favor of "None of the Above," centered on the fact that the Commonwealth in which we have lived over the last 46 years, was not included under any of the ballot options, accordingly, voters who support Commonwealth had to vote for "None of the Above." We also reached out to voters who wanted to defeat statehood and to reject the one-sided and imposed nature of the process that led to the vote; these are votes who agree with us that any process to resolve Puerto Rico's political status must be based on a consensus.

While it is true that some of the people who voted for "None of the Above" are not necessarily supporters of Commonwealth, any suggestion that they did not know what they were voting for is simply absurd. While one could argue that voters might not understand the implications of options they have not lived through like statehood or independence, most Puerto Ricans have lived under Commonwealth their entire lives. Consequently, it stands to reason that those of us who voted for "None of the Above" chose not to make any of the petitions on the ballot. The absolute majority vote for "None of the Above" is a clear rejection of statehood. Furthermore, voters understood perfectly well that by rejecting these status alternatives in the ballot, the Commonwealth relationship—as we know it—would continue. That is a fact which nobody can dispute. Any further attempts to psychoanalyze voters would certainly serve no purpose other than to indulge the complaints of losers in a democratic event.

4. The vote results

While today it is universally understood that statehood lost, some supporters of statehood still do not want to accept the truth. On the night of the vote, statehood leaders held a victory rally and refused to concede defeat. They were bolstered by a puzzling written statement from the White House, which after stating that "a majority of the vote was not for any of the options," it went on to state that "among the rest, the overwhelming majority supported statehood." That would be the same as saying of the 1996 presidential election: "aside from the majority vote, among the rest the overwhelming majority supported Bob Dole."

In spite of these disturbing post-election distortions of the outcome, people quickly understood that statehood had lost and that the people of Puerto Rico had found a way to confirm their support for Commonwealth. That was the message conveyed to the American people by virtually all newspapers that editorialized on this issue. Of 34 American newspapers that wrote editorials on this vote, not a single one accepted the statehooders claim that statehood had won. Furthermore, the vast majority of these editorials accepted that Commonwealth continued to be the preferred choice of Puerto Ricans and that the U.S. should have no problem with that. (See attachment B)

As I stated above, I do recognize that some of the people who voted for "None of the Above" are not necessarily supporters of Commonwealth, but instead voted with us to reject the whole process that led to the vote and to defeat statehood. Accordingly, I am not here to argue that this vote is a mandate the development of Commonwealth. I am here, however, to make sure that this committee understands that the people of Puerto Rico were unambiguous in their rejection of statehood specially when the Governor continues to show a lack of respect to the will of the people and insist, so shamelessly, that statehood won.

The truth is clear. For the second time in five years, the people of Puerto Rico have rejected statehood in two plebiscites called by and organized by the statehood party.

5. Where do we go from here?

While I believe that the vote results are clear, I recognize that the status issue has not been resolved. Those of us who support Commonwealth have an unfinished agenda to develop Commonwealth.

What should Congress do? In light of the undeniable fact that the people of Puerto Rico have repeatedly rejected statehood and independence, Congress should concentrate on an agenda to develop Commonwealth in a way that will benefit both Puerto Rico and the United States. While I recognize the difficulty of moving forward on the development of Commonwealth while the Governor of Puerto Rico is against Commonwealth, I am more than willing to sit down with any Member of Congress who is interested in pursuing that course.

What would not be acceptable is for Congress to try to push another plebiscite at this time. A recent public opinion poll published in *El Nuevo Dia* revealed that 82% of the voters in Puerto Rico either do not want another plebiscite ever again or do not want one in the near future. Only 15% of the voters want another plebi-

scite soon. Even the Resident Commissioner, Carlos Romero, recognized, in an article of May 3 published in *El Nuevo Dia*, that there is no environment in the House or the Senate to approve another status plebiscite.

It also would be unacceptable for Congress to pursue agendas intended to push Puerto Rico into either statehood or independence, since they have both been consistently rejected by the people of Puerto Rico. If Congress is interested in helping Puerto Rico bring resolution to this divisive issue, Congress should recognize that Commonwealth is the only option with the potential for reaching a greater consensus in Puerto Rico. Congress has the responsibility of respecting the democratic processes of Puerto Rico and the established consensus between the majority of Puerto Ricans, by concentrating their energies and ours in the development of Commonwealth.

I appreciate this committee's interest in Puerto Rico's political relationship with the United States. While, in the past, I have had differences with Chairman Murkowski over issues of legal interpretation, he has always conducted his hearings in a fair manner. I am confident that consistent with a recognition of the right to self-determination, any action by this Committee will respect the will of the people of Puerto Rico.

Senator CRAIG. Thank you very much.

I am going to break protocol here for just a moment. Senator Landrieu needs to leave, and she did want to ask a couple of questions of you before she left. So if the other panelists will stand by for a second, I will turn to Senator Landrieu.

Senator.

Senator LANDRIEU. Thank you, Senator. I really appreciate it, because I have actually two meetings, and I need to leave. And I want to get these questions in just briefly. And it will take just short answers. Because I really do want to help this committee to work on a more clear definition of commonwealth. Because it seems to be one of the problems that we have had—not being able to put some of this actually in writing and to understand what it really means.

I want to say I know you feel strongly. I do not know how you say in Spanish "spin," but that is how we say it in English, "spin." And I am from Louisiana, and James Carville does a great job. And I just have to say that I am looking here at the results of the plebiscite. And I know people can say, sort of interpret it. But I just want for the audience to know, if they do not have it, that commonwealth got 1 percent, free association got 1 percent, statehood got almost 47 percent, independence got 2.6 percent, and then "none of the above" got 50 percent.

But there was some polling done afterwards—and if you dispute this, please submit this in writing—to the 50 percent that voted for the blank. And it says, according to this polling data, that over somewhere between 40 to 42 percent liked some version of statehood, less than 20 percent various definitions of commonwealth, a few were unsure, and then a few were just aggravated at Congress. And that is what the choices were. But even given that the majority, or a significant amount, 40 percent of those in that column, I think it is just inappropriate to say that there is not support for statehood.

Now, I think what is maybe appropriate to say is maybe people are not clear about what exactly statehood would mean or what exactly commonwealth. So I want to ask a few shorts question just for your party if I could.

Mr. ACEVEDO-VILA. Can I comment on the facts?

Senator LANDRIEU. Yes. But let me just ask the questions. And then if you could just submit that in writing.

Under your definition of commonwealth—and I know people have different definitions, but I want to ask you—would you suggest that Puerto Rico, under commonwealth, would have its right to enter into its own commercial and tax treaties with foreign nations, yes or no?

Mr. ACEVEDO-VILA. Let me react first.

Senator LANDRIEU. No. Yes or no. I would just like a yes or no answer.

Mr. ACEVEDO-VILA. I think that, for the future, we should sit down and work an arrangement where Puerto Rico will get more economic tools for development. And one of them is to allow the Puerto Rican Government to enter into commercial agreements with other countries for economic development, consistent with U.S. policy.

Senator LANDRIEU. Okay.

Mr. ACEVEDO-VILA. What we want is economic development.

Senator LANDRIEU. Well, what is consistent with U.S. policy is that you could not enter into your own treaties, outside of the U.S. treaties. Would you be suggesting that as a commonwealth, in the future you could do that?

Mr. ACEVEDO-VILA. Yes, I think we can sit down and work that for the future.

Senator LANDRIEU. Okay. What do you think about Puerto Rico being able to join as a separate, sovereign Nation in the U.S. World Trade Organization or the United Nations; should that be allowed?

Mr. ACEVEDO-VILA. I think that, in terms of those organizations, we need to sit down. What is most important is regional organizations that help economic development. As a matter of fact, we have done it under commonwealth in the past. Under commonwealth, we have participated in some international, especially regional, for the Caribbean, organizations for development. And I repeat again, what we want is economic tools. And that proposal you are discussing was not on the ballot.

Senator LANDRIEU. Okay. Would you also agree that Puerto Rico would be allowed to selectively veto acts of Congress?

Mr. ACEVEDO-VILA. No, it is not that way.

Senator LANDRIEU. No?

Mr. ACEVEDO-VILA. No. What we are saying is that we should sit down and work a special arrangement where we can identify areas of Federal law that, instead of helping economic development for Puerto Rico, are hurting our economic development, and that we should create a mechanism so, for the future, we could work—like it is right now, for example—the IRS Code does not apply to Puerto Rico. And we just want to identify other areas that, if they do not apply, it would be helpful for our economic development.

Senator LANDRIEU. Because if this were possible for Puerto Rico, Louisiana might like to have this. This would be very popular at home, for us to be able to veto the IRS.

[Applause.]

Senator LANDRIEU. Just one more question. Does your party think that the Constitution of Puerto Rico would take precedent over the U.S. Constitution?

Mr. ACEVEDO-VILA. No, it has to be consistent. It has to be consistent.

Senator LANDRIEU. So it would not take precedent?

Mr. ACEVEDO-VILA. But if under our Constitution we give more rights to the people of Puerto Rico—more rights, not less—more rights, we shall respect those rights.

Senator LANDRIEU. Let me just say in closing, Mr. Chairman, that I have asked this line of questioning to just indicate that we are not going to get anywhere—and we have been struggling with this for many years—we are not going to get anywhere unless the commonwealth parties put in writing exactly what commonwealth will mean, so we can then use that information. So I am going to submit in writing these questions to all of you all.

And I am sorry I cannot be here, but I will read your testimony. Because I am very anxious to try to get some clarity on what the commonwealth real choices would be, choices that this Congress would validate, and not false choices.

Thank you, Mr. Chairman.

Mr. ACEVEDO-VILA. Senator, I appreciate your interest, and I would be willing to sit down with any member of Congress to discuss the future.

Senator LANDRIEU. I do not want to discuss it. I want to put it in writing.

Mr. ACEVEDO-VILA. Okay.

Senator LANDRIEU. And that is what is important, because that is the only way.

[Applause.]

Senator LANDRIEU. I do not want to discuss it.

And I want to just say this in closing, if I could just a minute. I think that has been part of the problem. We have had too much discussion. And what you need is to put things in writing, so people can go to the ballot and read the ballot and vote. And let me say, we cannot control what is on television. We do not do a good job controlling our own advertisements. And they exaggerate many times, as we are familiar with. But what we can control is the words on the ballot, so that people can read for themselves and make their own decision. And that is what I want to help do.

So I do not want to discuss it. I want to see it in writing, and that would be a big help.

Mr. ACEVEDO-VILA. The only reason our proposal was not on the ballot is because we were not allowed to present it to the people.

Senator LANDRIEU. Well, we are going to try to help you give an opportunity to write something to put on the ballot this time.

Thank you, Mr. Chairman.

Senator CRAIG. Senator, thank you very much.

Now let me move to another Senator, Senator Berrios, the Puerto Rico Independence Party.

Senator.

STATEMENT OF SENATOR RUBEN BERRIOS-MARTINEZ, PRESIDENT, PUERTO RICAN INDEPENDENCE PARTY

Mr. BERRIOS-MARTINEZ. Mr. Chairman, the day after tomorrow, Saturday, May 8, in an act of civil disobedience, former Senator Fernando Martin, vice president of the Puerto Rican Independence

Party, and myself, shall violate Federal law by trespassing into Federal restricted military target practice areas in the Island Municipality of Vieques, Puerto Rico. Such action is the first step in a broader strategy of civil disobedience designed to force the U.S. Navy to permanently discontinue its abusive military maneuvers, bombings and target practice, and get out of Vieques.

The U.S. Navy, through its occupation of two-thirds of the 33,000 acres of Vieques, has jeopardized the life, health and safety and tranquility of 9,000 Puerto Ricans living there, and has strangled Vieques' economic development for over half a century.

In recent weeks, in what can best be regarded as negligent disregard for the human rights of Puerto Ricans in Vieques, U.S. Navy bombs have been responsible for the death of one civilian and for having wounded several others. Needless to say, the recent developments have sparked indignation among all sectors of Puerto Rican society.

In the same spirit in which we defied the Navy's abusive behavior in the Island Municipality of Culebra in 1971, leading to our imprisonment and the subsequent withdrawal of the Navy from that island, we stand ready today to again defy the Navy's abusive practices with the moral force of militant nonviolence, even at the price of personal liberty.

But the tragedy of Vieques is not an isolated incident in the history of U.S. colonialism in Puerto Rico. On the contrary, the problem of Vieques is at the heart of the problem which brings us before this committee: Puerto Rico's colonial status.

The main reasons for the U.S. invasion of Puerto Rico in 1898 were geopolitical and military. And the U.S. Navy has always been a crucial factor in the determination of U.S. policy towards Puerto Rico. Throughout this century, its attitude has always been to oppose change and to support the status quo. We are here today because in the dawn of the 21st century, Puerto Rico, a Latin American nation, is still a territory of the United States, and Puerto Rico is a territory because the U.S. Government and the U.S. Congress have failed to fulfill their constitutional duty to dispose of a territory, as well as their legal obligation under international law to decolonize Puerto Rico.

Since 1953, Congress has refused even meager reforms or petitions to the present status. And since 1989, Congress has repeatedly failed to authorize a federally sponsored referendum, even when all Puerto Rican political parties have unanimously endorsed such a petition. Let us not present any longer.

The reason for such inaction is the unwillingness of Congress, under a Democratic majority in 1991, and under a Republican majority last year, to include statehood in a federally mandated plebiscite for the simple reason that Puerto Rico is a Latin American Nation and it is not merely a territory populated by Americans, as the Governor would have us believe. The congressional excuse for such inaction has always been the same—that Puerto Ricans should take the initiative before Congress acts. However, we have held two referenda—in 1993 and in 1998—and Congress still refuses to act.

In the 1993 referendum, the absolute majority of Puerto Ricans favored sovereign nationhood, either through association based on

a bilateral pact outside the Territory Clause that could not be altered unilaterally by Congress, or through independence. Moreover, the absolute majority rejected statehood. And Congress refused to act.

In 1998 referendum last December, even though the inclusion of a "none of the above" column frustrated a majority mandate, an absolute majority of the voters once again refused to vote for statehood. As regards territorial status, all political parties in Puerto Rico have rejected that alternative. The Puerto Rican voters have rejected both statehood and territorial status, neither of which, contrary to independence, represents an inalienable right of the people of Puerto Rico. But still, the U.S. Congress has failed to act.

The United States seems, thus, to be developing a new type of colonial policy, in flagrant violation of the will of the Puerto Rican people. It consists of a systematic process of inaction, combined with public hearings and hollow rhetoric regarding self-determination, which always ends up in the continuation of territorial status by default. It is a colonial policy attuned to public relations objectives of the late 20th century.

But the time of anti-democratic strategies and attitudes is no longer tolerable. It is no longer tolerable to hear the same excuses, nor to ask Puerto Ricans to take the initiative. For that we have done. The United States exercises juridical, political and economic power over Puerto Rico. Responsibility is a function of power. And the United States has failed to fulfill its responsibility both on the U.S. and international law. The time has come for the United States to seriously face Puerto Rico's status and decolonize the Island.

What should Congress do in order to fulfill its juridical and political obligation regarding Puerto Rico? Since statehood and territorial status has twice been rejected by Puerto Ricans in less than a decade, Congress should take "no" for a final answer regarding both of these options. In light of this reality, Congress should formally declare its determination to decolonize Puerto Rico and offer a choice between a sovereign, non-colonial, non-territorial free associated State on the one hand, and independence, an inalienable right, which therefore must always be present as an option, on the other.

There are various procedural mechanisms to achieve this goal, ranging from constituent assemblies to plebiscites. But the end result should be the achievement of sovereign nationhood. In the meantime, and as an urgent matter, the U.S. Government should manifest its goodwill and commitment to genuine self-determination by liberating the Puerto Rican political prisoners held in Federal prisons and announcing the definite withdrawal of the U.S. Navy from the Island of Vieques.

There is, Mr. Chairman, of course, an alternative course of action. The administration can continue its ambivalent discourse and conduct towards Puerto Rico. Congress can continue its inaction. The Navy and its Command in Chief can persist in bombing Vieques, threatening its people and damaging its environment. And the U.S. Government can imprison those of us who, through civil disobedience, refuse to bow to injustice. But whatever happens, rest

assured that in the end colonialism will be defeated in Puerto Rico and Puerto Rico will become a sovereign nation.

It is up to you to let the people of Puerto Rico and the world community know which side you are on—colonialism or liberation.

Thank you very much.

Senator CRAIG. Senator, thank you very much. And I do appreciate your expression as it relates to Vieques. As you know, live fire has been suspended there pending the investigation. I will submit a letter today to the chairman of the Armed Services Committee to do oversight hearings on that issue. I think it is justifiable—clearly it is—to get to the bottom line of this issue. And I thank you and others for drawing it more clearly to our attention.

[Applause.]

Mr. BERRIOS-MARTINEZ. I want to thank you, Mr. Chairman, for what you have said. While you do that, we will keep the pressure on the Navy.

Senator CRAIG. It sounds like you will.

Now, let me turn to Luis Vegas-Ramos, president of the PROELA.

STATEMENT OF LUIS VEGA-RAMOS, PRESIDENT, PROELA

Mr. VEGA-RAMOS. Thank you very much, Mr. Chairman. Nice to be here. My name, for the record, is Luis Vega-Ramos. And PROELA is a civic organization that for 22 years has advocated in Puerto Rican, Federal and international forums for the development of the current political status within the context of a compact of free association based on Puerto Rican national sovereignty. I am its president, and an attorney at law in Puerto Rico.

On December 13, 1998, the people of Puerto Rico voted in a status plebiscite sponsored by the Government of Puerto Rico. As the results of that plebiscite proved inconclusive, the United States now has the duty to clarify the real options for Puerto Rico and to fashion a true process of self-determination that fully meets the responsibilities that Congress and the administration have to the millions of U.S. citizens that comprise the Puerto Rican nation.

But before I present our views regarding last year's plebiscite, let me bring up to your attention an issue that has been mentioned here and that evokes a sense of unity and urgency among the people of Puerto Rico. Last April 19, during a military exercise on our Island Municipality of Vieques, an aircraft shot projectiles which took the life of one civilian, Mr. David Sanes, whose name had not been mentioned in this hearing. And I think his name and his face—sometimes these types of tragedies are mentioned without faces and without names—and I wish to remind us that that person who died had a name, had a family, had a face. And his name was David Sanes. He was killed and four others were injured.

This is but the latest in a series of tragedies that for decades have threatened the life, safety and quality of living of the residents of Vieques. Some media outlets in the United States reported that this tragedy occurred on the uninhabited Island of Vieques. That is simply not true, as we know and as you have mentioned in this hearing. Vieques is indeed populated by around 10,000 souls. And as U.S. citizens and human beings, they have an in-

alienable right to life, liberty and the pursuit of happiness. Those rights are being violated by the U.S. Navy. This must stop at once.

We come to this committee in solidarity with the people of Vieques, in remembrance of the victims and as trustees of our future generations' rights to have Vieques back in our hands. We demand the swift, concrete and unilateral withdrawal of U.S. Naval forces from that embattled island. We hope to persuade you into action in favor of this just and urgent initiative. And I do recognize, Mr. Chairman, Senator Craig, the statement that you just made, that you are going to ask for oversight hearings on this matter. I congratulate you on that, and I certainly commend you for taking that initiative.

To further understand our position on defense and security issues, we refer you to a document filed by our Executive Director last year, which is part already of the legislative record, but which we are also reintroducing as part of the record of this hearing.

Now, let us go to the plebiscite and its result. Last year, the U.S. House of Representatives narrowly approved H.R. 856, a bill that would have called a plebiscite. This bill had the strong endorsement of the pro-statehood government and of the Independence Party, and the equally strong opposition of the Popular Democratic Party, the Pro-Commonwealth Party and other sectors of our political spectrum. The U.S. Senate, however, did not pass any bill.

In an unapproved chairman's draft, this Energy Committee and its chairman substituted statehood for an offer of incorporated territory. And that I think is very important. As you well know, unincorporated territory means the extension of Federal taxation without the corresponding political representation. Thus, with that clear message sent from this committee, the Government of Puerto Rico decided to call a vote on their own terms.

They defined the options as territorial commonwealth, free association, statehood, independence, and none of the above. The Pro-Commonwealth Party was upset with both the definitions and the process, and chose the "none of the above" column. We represented free association, assuming all the risks of not following our party's line.

During the campaign, PROELA served as the official and legal representative of the free association option that was contained on column number 2 on that ballot. We were lawfully certified by Puerto Rico's State Electoral Commission as such, and feel very proud to have been the first organization in the history of Puerto Rico recognized as the electoral trustee of free association. Being a civic organization and not a political party on the Island, we had to comply with special requisites provided by law. We have done so to the full extent of what the law required.

As part of our campaign, we coordinated work with various other organizations who support free association, like Juventud Autonomista, Accion Democratic Puertorriquena, and Impulso Autonomista.

We also had the fortune of counting in our ranks with people of the caliber and reputation in Puerto Rico and in the United States of Miguel Lausell; Antonio Fernos, a renowned constitutional scholar, Juan Fernandez, who was a former University of Puerto Rico, UPR, Chancellor; Jorge Jose Antonio Casillas, obviously retired;

Dr. Richard Machado, a prominent figure in the health care sector; Medical Doctor Enrique Vazquez Quintana, who was a former Secretary of Health under Governor Rossello's administration; and former Puerto Rican legislator from the Popular Democratic Party Marco Rigau; and Juan Lopez-Hernandez.

We ran a civil and educational campaign. But the majority parties ran a warmup for the next gubernatorial election between Governor Pedro Rossello and San Juan Mayor Celia Calderone. Let me give you an example of this.

The main issue of the campaign was not the discussion of the benefits and drawbacks of each of the options. Rather, it was whether or not Governor Rossello and Mayor Calderone would meet head to head in a televised debate. For weeks, Governor Rossello and Mayor Calderone danced around each other, taunting and retreating. It became clear that there was not going to be a debate, nor a serious discussion of the issues. Instead, we had the first electoral skirmish between future political foes.

In the end, Mayor Celia Calderone handily won her preliminary battle with Governor Pedro Rossello. "None of the above" garnered more than 50 percent of the votes. Statehood did not advance even 1 percentage point from the 46 percent it got in 1993.

As for us, in the parties and polarization that took place, our support dwindled to a reduced core. So, simply stated, the December vote means five things:

No. 1, no single option has a majority. No. 2, and I think it is the most important thing here, 53 percent of the electorate clearly, unequivocally, affirms Puerto Rican nationhood and rejects assimilation. And let me point out that that is exactly the same proportion produced by the 1993 plebiscite. So the forces of annexation and assimilation have not moved 1 percentage point from the votes that they got in 1993. And I think that is very important and very relevant.

No. 3, the approach containing 1998's H.R. 856 was also rejected by a majority of voters. No. 5, the pro-statehood Governor suffered a sound defeat at the hands of his likeliest contender, the Mayor of San Juan. And five, locally sponsored plebiscites are no longer respected as useful tools for the solution of the status dilemma. The political initiative from Puerto Rico, in terms of status, has been given to the leaders of the Pro-Conversation Party. Commonwealth, free association and independence backers coalesced in the "none of the above" column, to reject what they perceived as imminent dangers.

Now, the leaders of that coalition, if they wish to keep it together, must find a common ground proposal. Last October 15, the governing board of the Popular Democratic Party approved a plan to develop commonwealth towards sovereignty, a bilateral compact and international powers. Whether they call it that definition as such or not, that definition is a form of free association. Therefore, we endorse its inclusion in any process as a form of sovereign autonomy. And as a matter of fact, we are submitting that text for the record. That text and that definition the PROELA wholeheartedly supports and approves.

What is the next step? What should Congress do?

Well, for Congress, the result of the plebiscite means one thing—Puerto Ricans are not going to make a final determination on status until Congress and the executive branch engage the issue and commit themselves to responding to the people's will. Under the U.S. constitutional system, Congress can only do that by approving a Federal statute. It has yet to do that. We urge you to do it soon.

In order to avoid conflict and confusion with the upcoming electoral year, we feel that no other process should be convened in Puerto Rico until after the year 2000. However, that does not mean we favor inaction until that time. Congress could still enact a process before the end of this term, and set it in motion after the electoral cycle. Thus, there would be time and space to take on both the serious responsibility of selecting a government and the serious responsibility of selecting a status.

On a related matter, let me state for the record that PROELA strongly opposed any initiative to impose Federal income taxes on commonwealth. That is a proposal that is clearly rejected by an overwhelming majority of Puerto Ricans. The advocacy of Federal taxation on Puerto Rico is but a ploy of those who are unable to prevail in the ballot box and wish to surreptitiously impose a specific status change without popular consent.

Federal taxation is nothing but concealed incorporation. And that, constitutionally speaking, means the promise of eventual statehood. No one has voted for that in Puerto Rico. Therefore, we will join forces with those sectors and parties to combat this undemocratic and immoral strategy. We trust that you will see its transparency.

However, PROELA wholeheartedly welcomes the structuring of a process in which a dialogue with the political leadership of Puerto Rico is held and the viable political options can be clarified and set apart from the unfeasible ones. It is our desire to support that process, as we have done in the past, and to represent on an equal footing with all other options and their proponents the formula of free association between Puerto Rico and the United States.

In setting up this process, we urge you to consider the proposal submitted by the mayor of Ponce, the Hon. Rafael Cordero-Santiago, in a February 10 letter to the President of the United States, in which he calls for a panel of constitutional experts of each option to be convened, to discuss matters with representatives of the administration and of the Congress. I am enclosing as part of our testimony a copy of that letter, and we urge you to take a very close look at it. We think that this might be a sound approach to a very difficult issue, and we hope that the committee evaluates it thoroughly.

We are now well into the first year of the second century of congressional unwillingness or inability to take the Puerto Rican status issue by the horns and solve it. This committee has engaged the issue very slowly in various instances during the last 10 years. We all know the hot potatoes, the trouble spots and the hard choices that need to be made in order to solve the problems. There is nothing new under the sun, Mr. Chairman. We know what it is all about. It is just a question of making those choices, setting them on paper, and putting them with assurances of Congress that they are going to respond to the people of Puerto Rico.

Puerto Rico, in the end, is a distant Nation made up of U.S. citizens. And that might be the contradictory nature of the status dilemma. Puerto Rico is a Nation made up of citizens of a foreign nation. Territorial options are unacceptable. They were before. They are today. They should be unacceptable tomorrow.

These realities clearly produce a limited set of options. In the end, the real choice is between eventual state of re-incorporation and assimilation or Puerto Rican nationhood via free association, which we support, or independence. Offer them. Put them in writing. Commit yourself to responding to the plebiscite. And set the process in motion to have a vote some time in the year 2001.

Thank you very much. And we are ready to answer any questions that you may have on these issues.

Senator CRAIG. Thank you very much for your testimony. And your letter that you submitted will become part of the record.

I understand, Senator, that you have to leave to catch an airplane, so I will excuse you. The record will be left open. We will submit your questions in writing. I have one question of you, though. When I look at the 1993 status vote, independence received about 4.4 percent of the vote. And I see that that is a decline of about 2.5 percent from the last vote. Do you have an explanation for that?

Mr. BERRIOS-MARTINEZ. Yes, Senator. There is an immediate explanation and a more far-reaching explanation for the 4 percent and for the 2 percent. The immediate explanation is quite simple. The Governor of Puerto Rico insisted, in celebrating this plebiscite, just after a very, very damaging hurricane passed through Puerto Rico. We all petitioned him to postpone. That fact accelerated the anti-government impetus in Puerto Rico.

Therefore, some of the people who usually vote for independence opted for the catch-all "none of the above" in order to strike a blow at the Governor. The other reason was that some believers in independence opted, under those circumstances, for abstention. But the independentistas are there in Puerto Rico, and the drop in the plebiscite votes was due to that factor.

Of course, the general factor which accounts for the percentage of independence voters as compared to others is very simple. A hundred years of dependency, all free things you can imagine, not only the ones you mentioned here, are put forth as the benefits of commonwealth, and much more under statehood, with two Senators and seven Representatives. It is a cornucopia of Federal funds for free. We have to compete under those dependence conditions. And before, particularly in the middle part and early part of this century, it was the horrendous persecution of independence, which continued all throughout the seventies and eighties, and we still have political prisoners in U.S. jails. So all these factors together are the ones to account.

For us, the vote for independence is the tip of the iceberg. It represents the salient feature of a Nation that refuses to die. And I must remind the chairman that 1 year before independence became a fact, or at least 1 year before the Declaration of Independence, George Washington said: No thinking man in America will opt for independence.

Senator CRAIG. George was not always right.

[Laughter.]

Mr. BERRIOS-MARTINEZ. That is right. But he was right there. Because, 1 year later, the Declaration of Independence came through. And then, after a prolonged struggle, you obtained your freedom.

Thank you very much.

Senator CRAIG. Senator, thank you. And you are excused. We appreciate that.

Mr. BERRIOS-MARTINEZ. Thank you for your kindness.

Mr. VEGA-RAMOS. Mr. Chairman, if I may, just a minute. You said you accepted for the record the letter that we submitted.

Senator CRAIG. Yes.

Mr. VEGA-RAMOS. I just want to point out that we submitted a whole other set of additional documents.

Senator CRAIG. And that will all become a part of the record.

Mr. VEGA-RAMOS. I just wanted to make that point.

Senator CRAIG. All of your documents and your statements will be included in the record.

Mr. VEGA-RAMOS. Thank you.

Senator CRAIG. Now let me turn to Zoraida Fonalledas, the New Progressive Party. Welcome.

STATEMENT OF ZORAIDA FONALLEDAS, NEW PROGRESSIVE PARTY, REPUBLICAN NATIONAL COMMITTEEWOMAN FOR PUERTO RICO

Ms. FONALLEDAS. Mr. Chairman and members of the committee, my name is Zoraida Fonalledas. I am the Republican National Committeewoman from Puerto Rico. At the invitation of Governor Rossello, I appear today on behalf of the New Progressive Party.

I would like your permission to submit additional information for the record.

Senator CRAIG. Without objection.

Ms. FONALLEDAS. As noted already, 46.5 percent of the voters have now told Congress we are ready for statehood. Yet 50.3 percent of the voters, including many statehood and independence supporters, chose the "none of the above" option to address issues in addition to status. Still, one message is very clear: 99.9 percent of the governed do not consent to continuation of territorial commonwealth.

The Popular Democratic Party leader found "none of the above" very convenient, because they did not have to defend their ideology that commonwealth is not territorial. But the PDP cannot run away from its past. In 1993, the Commonwealth Party wrote its own ballot option, the Commonwealth Definition, which received 48 percent in that plebiscite, borrowed the core elements of statehood—permanent union and irrevocable U.S. citizenship. At the same time, the 1993 definition of commonwealth also borrowed from the core elements of independence, including a mythical bilateral nation-to-nation compact Congress supposedly cannot alter without Puerto Rico's consent.

Congress has not approved the 1993 Commonwealth Party proposal. This is because it is an obviously misleading option, based on false promises of the benefits of both statehood and independence, without the full responsibilities of either. However, the 1995

combined vote for statehood, and commonwealth in 1993, must be viewed as an overwhelming mandate for permanent union and irrevocable U.S. citizenship.

Our very real difference with the Commonwealth Party are over how such a permanent status can be achieved. Local party differences aside, when the 1993 vote is considered alongside the 1998 voter rejection of territorial commonwealth, Congress is presented with two very fundamental questions: Are you willing to offer permanent union and irrevocable U.S. citizenship to Puerto Rico? If so, how can that be achieved in accordance with the U.S. Constitution?

Historically, permanent union and guaranteed citizenship meant statehood, as in the case of Hawaii and Alaska. Separate sovereignty and nationality meant independence, like the Philippines and Cuba.

But for decades now, the Commonwealth Party has told our people that Puerto Rico has entered the Union permanently, like a State, while also being a nation, with a strong authority, beyond the reach of Congress. Do you agree that Congress has divested the territorial clout, power to alter Federal laws, granted limited autonomy to Puerto Rico? Is there a nation-to-nation confederacy?

We are calling on Congress to end its silence on these questions. Because Puerto Rico cannot send a clear signal to Congress until Congress sends a clear signal to Puerto Rico.

That is why we urge Congress to approve legislation defining the full range of permanent status alternative that are valid under the U.S. Constitution. That will eliminate all invalid alternatives. Only then can the American principle of self-determination be redeemed for Puerto Rico, leading ultimately to equal rights, political stability and economic prosperity for Puerto Rico.

This represents a cause so just and so urgent that it soon will produce bipartisan consensus throughout America. As the mother of four children, I know that all the children of Puerto Rico, as Americans, deserve better than to group up with uncertainty about the future status, of ambiguity, about their rights.

Our highest duty as Americans is to pass to the next generation a better life. Those who say commonwealth is the best we can do or the status quo is the most we deserve are wrong. Americans have never accepted permanent inequality. And we are Americans. We are ready to do the hard work of democracy to achieve full dignity.

My God bless us all in completing this quest for equality and justice in America.

Thank you so much, Mr. Chairman.

[Applause.]

[The prepared statement of Ms. Fonalledas follows:]

PREPARED STATEMENT OF ZORAIDA FONALLEDAS, NEW PROGRESSIVE PARTY,
REPUBLICAN NATIONAL COMMITTEEWOMAN FOR PUERTO RICO

Mr. Chairman and members of the committee, my name is Zoraida Fonalledas. I have been invited by Governor Pedro Rossello to appear on behalf of the New Progressive Party to review results of the status vote held on December 13, 1998.

The Governor is an active leader in the Democratic Party, and I am the Republican National Committeewoman from Puerto Rico. Yet, we have a common belief that equal rights, political stability and economic prosperity for Puerto Rico together represent a cause so just and so urgent that it soon will produce bipartisan consen-

sus throughout America, and with bipartisan leadership from Congress we will achieve full and final resolution of Puerto Rico's status.

As the mother of four children, I feel strongly that all the children of Puerto Rico, as American citizens, deserve better than to grow up with uncertainty about their future status and ambiguity about their rights under the U.S. Constitution. Our young Americans also deserve the economic opportunity that comes with political stability, and so we simply must do better in our efforts to resolve the status question. If we fail, confusion and bitter divisions among our people over continuation of territorial commonwealth could become our legacy to the next generation.

As you know already, 50.3% of those who cast ballots in the plebiscite voted for an undefined "None of the Above" default option on the ballot, and one-tenth of 1% voted for territorial commonwealth as it is under current federal law. 46.5% voted for full equality of rights and duties under statehood. The option of independence, and the separate option of independence with a treaty of free association, received a combined vote of 2.8%.

The "None of the Above" ballot option was included due to possible complications under local court rulings. Voters who historically favored statehood, independence or commonwealth instead used "None of the Above" to express themselves on a variety of issues other than status: from privatization of the phone company to the timing of the vote after a hurricane and before Christmas, as well as the wish that Puerto Rico could be Fantasy Island, where there would be no hard choices and we could have all the benefits of statehood and independence without the full responsibilities of either.

In the Puerto Rican tradition, it was a long and heated debate, but without Congressional sponsorship it became another local partisan political contest. Thus, the only clear result of this vote is that the 99.9% of the governed have withdrawn consent to territorial commonwealth as it is under current federal law. That is a problem for Puerto Rico, Mr. Chairman, but it is also a problem for the nation, because in 1950 Congress recognized the principle of government by consent based on majority vote as the federal criteria for the legitimacy of commonwealth as a form of self-government.

It took a hundred years to create the present confusion over the status question. However, the immediate dilemma posed by the 1998 voting results has its origin in the failure of Congress to respond fully and decisively when the Legislative Assembly of Puerto Rico solemnly and respectfully petitioned Congress in 1994 to implement an enhanced form of commonwealth that received the highest number of votes in a plebiscite conducted under local law in 1993.

Puerto Rico's petition, renewed in 1997 and 1998, also requested that Congress, if it did not accept enhanced commonwealth, define the options it is willing to consider to create a permanent political status for Puerto Rico. Simply, our petitions ask Congress to level with us as American citizens on a very fundamental question: Is Congress willing to offer permanent union and irrevocable U.S. citizenship to Puerto Rico, and if so, what are the terms under which that can be achieved in accordance with the Constitution of the United States of America?

Historically, permanent union and guaranteed citizenship has meant statehood, as in the case of Hawaii and Alaska. Separate sovereignty and nationality meant independence, like the Philippines and Cuba.

But supporters of enhanced commonwealth tell the people there is another way out of our dilemma. For decades now our people have been propagandized, promised, and in too many cases persuaded, that Puerto Rico is literally and legally a separate nation and no longer a territory of the United States. According to the commonwealth party, in 1952 Congress deviated from two centuries of constitutional practice in order to bind the U.S. and the sovereign nation-state of Puerto Rico in a new form of permanent union. They argue that approval of the local constitution 47 years ago changed the status of Puerto Rico to that of a free associated state, with a separate nationality, but in a permanent bilateral confederacy with America.

Will Congress agree that Puerto Rico has entered the union permanently as a nation-state with a zone of sovereignty not subject to federal supremacy? Does Congress recognize a separate Puerto Rican nationality and citizenship with a so-called dual U.S. citizenship guaranteed forever by federal law? Do you accept Puerto Rico's entry into permanent union without the same burden sharing as the other states in the union?

If so, are you prepared to offer this new form of statehood to California, Texas, South Carolina or Hawaii? Does Congress accept the permanent disenfranchisement of a population of 3.8 million U.S. citizens, more than that of 25 states, as well as the creation of a separate national sovereignty under the American flag?

We are calling on Congress to end its silence on these questions, because Puerto Rico cannot send a clear signal to Congress until Congress sends a clear signal to

Puerto Rico. For too long Congress has passively tolerated the myth of commonwealth as a status superior to statehood. Whether it is on the ballot as it was in 1993, or when it does not need to be defined because "None of the Above" is on the ballot, the doctrine of commonwealth as a super status is misleading but beguiling to many voters. Though it has been discredited in Congress, until Congress ends its silence the myth will persist.

Congress must not be a party to a scheme to misled voters. You need to confirm what commonwealth means under federal law to end the charade. It was, therefore, out of determination rather than desperation that our government scheduled a vote for December 13, 1998. We had to act despite the risks because we will not simply resign ourselves to disenfranchisement and disempowerment. That is not the American way. The results of the vote, however, demonstrate once again that self-determination cannot succeed when the national government has the final authority to define the choices, but the national government will not end its silence.

The essence of Puerto Rico's status problem is that Congress has not offered terms for status resolution to Puerto Rico, and Puerto Rico cannot get a response from Congress to the terms proposed in our Legislature's petitions.

The record before you establishes that over 95% of voters in Puerto Rico want permanent union and irrevocable citizenship like a state, but around half of those voters have been led to believe this can be achieved without accepting the full responsibilities of citizens in the states. On the other hand, almost half the people in Puerto Rico who also want permanent union and irrevocable citizenship want the real thing—statehood with all its rights and the responsibilities of our U.S. citizenship.

Congress alone can restore legitimacy to the status process by setting the terms under which Puerto Rico can become a state or an independent nation. As long as those alternatives are available and the voters fail to approve one or the other, then we have no one but ourselves to blame for our disenfranchisement. But if Congress will not establish that mechanism that empowers us to meet whatever terms and conditions you may set for status resolution, then Congress as well is responsible for our disenfranchisement.

Since I personally stand with those who are ready for real permanent union and irrevocable citizenship through statehood, let me say that I fully recognize that in due course the terms for admission will have to address issues of tax policy, language policy and budget policy as it relates to federal programs and Puerto Rico's ability to pay its own way. However, those same issues will have to be addressed in the event commonwealth continues.

The process we seek would have begun on December 13, 1998, if the Senate and House had approved the draft Chairman's mark of H.R. 856 in the 105th Congress. For all the reasons set forth above, we urge re-introduction and adoption of federal status legislation at the earliest possible time so the self-determination process can continue.

In closing, Congress must recognize that the current federal status policy is not benign. Puerto Rico has been excluded from the economic and political life of the nation by federal policies that are often camouflaged as simple benevolence. We call upon Congress to at least make it possible for Puerto Rico to take the road of integration and inclusion if that is the will of the people, even if there are obstacles and barriers we must overcome along the way.

Setting the standard for human dignity and equality worldwide, the United States must begin at home by ending the last vestiges of disenfranchisement and second class status among its own citizens. 60 years ago, my grandfather, Puerto Rican Senate President Rafael Martinez-Nadal, expressed the need we have for status resolution eloquently when he said "Statehood is not a question of dollars and cents, but of a deep desire for liberty." That was more than 20 years after he and the people of Puerto Rico became U.S. citizens, and 60 years later we are stalled on the road to liberty.

Meanwhile, the rising tide of fully enfranchised Hispanic Americans in the fifty states will increasingly look to, and measure, the nation's leaders by their commitment to equality and equity for all Americans. A Puerto Rico populated by Hispanic Americans denied full and equal participation in the American economy and full and equal access to the American democratic systems will soon become an issue for other Hispanics and all Americans.

That is why Congress should not wait until the dilemma grows worse in Puerto Rico, or until this becomes a negative issue for America. Resolution of Puerto Rico's status can be a positive experience for our nation if Congress will assume leadership and exercise the power only it has under the U.S. Constitution to define the choices and establish the rules of the process through which Puerto Rico will become fully self-governing.

As former Governor of Puerto Rico Don Luis Ferre recently stated, Puerto Rico's culture is complementary to that of this great nation, and we are part of the American tradition of pluralism. So instead of talking about differences we should focus on what we have in common as Americans.

Because our highest duty as Americans and as Puerto Ricans is to pass to the next generation a better life, those who insist that territorial commonwealth is the best we can do, or that the status quo is the most we deserve, are wrong. We can do better and we will. May God bless us all in completing this quest for equality in America.

Senator CRAIG. Thank you very much.

I am going to ask one question that I would wish the three of you to respond to. We will leave the record open for a period of 2 weeks, and you will be submitted some questions in writing that we would ask you to respond back to.

In attempting to understand the plebiscite—and that is of course the intent of this hearing—and to see the breakout of the vote, one of the things that would help us understand it—and let me read you this question, because on January 24, the *San Juan Star* published the result of a poll by Pablo Ramos of Precision Research. The poll had a margin of error of 4 percent, and broke out the “none of the above” vote. And I think that is what this committee is trying to understand, not only the politics and the dynamics of the politics, but all that went on down there during the election, that might help us more clearly define what we can do.

The poll broke it out this way. Of those 50.2 or .3 percent who voted for “none of the above,” 57.8 wanted to leave things as they were; 14.7 percent wanted to defeat statehood; 7.2 percent wanted to express displeasure with the Governor; 5.8 percent wanted the plebiscite postponed; 4.3 percent were opposed to the sale of the telephone company; and 4 percent were motivated by the former Governor Hernandez Colon in his call to vote that way. So that was the polling breakout.

Do you generally agree that that is how you sensed the “none of the above” fell into place?

Mr. ACEVEDO-VILA. Can you repeat again the first number?

Senator CRAIG. The first number was about 57 percent, a little more than half of the 50 percent, said leave things as they are. Then the rest broke out in a variety of other ways.

Mr. ACEVEDO-VILA. You have to add to those who said that former Governor Hernandez Colon motivated them to vote that way. His speech was for commonwealth and against statehood. So, in a way, I do not know why it broke down that way.

Senator CRAIG. Oh, I see. You would technically add that to the 57, that 4 percent?

Mr. ACEVEDO-VILA. You have to add that one, because his speech was basically, we have to vote “none of the above” to defeat statehood and preserve commonwealth for the future. We can try to make different polls, but there are some facts that are there. For example, in 1993, 48.6 percent voted for commonwealth. Where did they go? Obviously they went to “none of the above.” So we are the first one to recognize that some people voted on “none of the above” for other reasons. But we have to be clear that those who believe in commonwealth, the only alternative they had was voting on “none of the above.” And that 48.6 percent of 1993 went to become the 50.3 percent, with the other.

The other thing we know is that every person that made the decision to vote "none of the above" knew that the result would be to keep things as they are right now. It does not mean that then maybe for the future they do not want changes. But to say that they voted against commonwealth, which has been the argument by some people here, really makes no sense. Because they knew that voting for the "none of the above," the next day commonwealth would be there, with no mandate for change.

So even those who believe in independence might have voted there, to defeat statehood. Even those who believe in statehood might have voted that just to send a message against the Governor. They knew that by voting "none of the above" they were preserving commonwealth until any new development for the future. But the vast majority of those who voted for "none of the above" believe in commonwealth. And that was the basic element of our campaign.

Senator CRAIG. Thank you very much.

Mr. Ramos.

Mr. VEGA-RAMOS. First of all, as I stated in our presentation, I think that the more the campaign became partisan and became a warm-up for the next general election, the less it was about status. And that goes, I think, to the heart of the matter. People are not taking local plebiscites as useful instruments for status. So they take it to do something else, which may be to vent frustration at the Governor, strengthen the possible opposing candidate in that other election.

I think a lot of that happened. Let me give you an example. There was a poll early in the campaign that measured the support of free association between 15 and 18 percent of the votes. I think it was made by Pablo Ramos, as well. And that was before the whole partisan campaign started. And as it became clear that this may be a two-way race to whether to give Governor Rossello a pat on the back or not, then people started coalescing on the option that they thought could put a dagger on Governor Rossello's chances in the year 2000. And that, I think, is one of the main reasons that "none of the above" became the big container in which different forces, for different reasons, wanted to vote against Rossello and against assimilation.

Puerto Rico is divided, I think—and you can say that safely from the last two plebiscites—in two big chunks—the chunk that favors statehood, which is around 46.5 percent—if you take the last result of the last two plebiscites—and the chunk that believes that Puerto Rico should not go the way of integration, but rather should have relationship with the United States that affirms, recognizes and promotes Puerto Rican national identity as a distinct thing.

The problem that we have to face now—and I think that is sort of the problem that the result gives us—is that we know that over 54 percent of the people of Puerto Rico want to take the route of national identity and more power on the hands of Puerto Rico. We just do not know how that is going to break.

The interesting thing about the poll—and I have just been handed the results—is that 37.3 percent of the people who voted for "none of the above," according to the poll, supported another definition of commonwealth. That definition of commonwealth may very well be this one, the definition that was approved by the governing

board of the Popular Democratic Party, my party—a definition that I support, the definition that PROELA institutionally endorses, and which we believe because our experts put some time into it, that it is basically a form of free association.

You may want to call it like that or not for political expediency reasons, but in the end, if you take that and you take that 37 percent and you take our percentage and the independence percentage, then I think fairly the whole of it, we are talking about people who want a relationship with the United States, but do not want to assimilate to the United States. And you have to work on that majority, who has clearly taken sides on the last two plebiscites.

Another important aspect of that poll, I think, which I mentioned, is that over 10 percent did not think that the U.S. Congress would take the results seriously. I think that percentage is even higher than that.

Senator CRAIG. Mr. Ramos, I have got 3 minutes left to get to a vote, and I certainly want the lady to have the last word.

Mr. VEGA-RAMOS. We all do.

Senator CRAIG. Please, Ms. Fonalledas.

Ms. FONALLEDAS. Mr. Chairman, I think that, really, the thing here is that 99 percent of the voters in Puerto Rico rejected the current commonwealth status. It only got 1 percent of the vote. And let me explain, "none of the above," what it really means. It does not mean anything. It is a blank space. How can you vote for a blank space?

But I can imagine what does that mean, but there is nothing in writing there. So, let me tell you. Many people probably voted in this blank space because they were against the privatization of the telephone company or maybe because of the hurricane or maybe because it was a season very close to Christmas. Many voted probably because they were against the Governor. But that is an imagination, because, really, we cannot see what is there.

So I think the thing to do here, and that is why I came here and I urge Congress, is we need a congressionally sponsored plebiscite. It is necessary. The people of Puerto Rico want the process of self-determination. And I think it is an obligation of the Congress to define the status options very clearly and very concise, so we can proceed to a mechanism and then have our plebiscite with a congressional definition.

And I think that what is done in the House of Representatives by passing the Young bill, there were clear definitions which were constitutionally permissible under the law. So I think that I being here, as a mother and as a lawyer and as a woman, I am representing the people of Puerto Rico, I really ask Congress to please do something, and pass this congressionally sponsored plebiscite. And I thank you very much for taking the time in receiving us and making this hearing possible. Thank you so much.

Senator CRAIG. I am not going to take any more comment. I really cannot. I have got the cloakroom holding the vote open so I can get over there and vote.

Let me thank the three of you very much, and the Senator who has already left, for your comments. As you know, this is an issue that I and others, including all of you, do not plan to let go away.

Ms. FONALLEDAS. We will be back.

Senator CRAIG. There is a responsibility here, and Congress must assume their constitutional responsibility. And we have tried, and will continue to try, to clarify those definitions. So that while we will all differ some, and certainly expressions as to a plebiscite will be there, I would hope that at least Congress could have a clearer definition and present that to the people of Puerto Rico so that expression can come forward. That is my goal, and I think it is a goal that generally all of you accept.

Let me recognize in the room, before I close, that there are 20 eighth-graders from Hopwood Junior High School, from the Commonwealth of the Northern Mariana Islands, who are with us today. We are pleased to have them in the room. They are members of the Junior National Honor Society, visiting our Nation's capital.

[Applause.]

Senator CRAIG. And, quite remarkably, and congratulations to all of them, they did their own fundraising to make the trip possible.

I would also like to welcome the students and their teachers, Mr. Sabino and Mr. McAllister, to Washington and to the Senate Energy and Natural Resources Committee. Thanks for attending.

Ladies and gentlemen, and Americans all, thank you for being here today. I am sure that this is an issue that we will continue to work with. And we thank you for attending.

The committee is adjourned.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

PROELA,

San Juan, PR, June 3, 1999.

Hon. FRANK MURKOWSKI,

Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: We have received your letter of May 12, presenting us with additional questions regarding the 1998 status plebiscite in Puerto Rico. Once again, thank you very much for your invitation and for your fairness and thoroughness in dealing with this passionate and complicated issue.

Here are our responses.

Sincerely,

LUIS VEGA-RAMOS,

President.

RESPONSES TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. The January 24 *San Juan Star* published the results of a poll by Pablo Ramos of Precision Research. The poll had a margin of error of 4% and broke out the "None of the Above" vote as follows:

57.8% want to leave things as they are

14.7% want to defeat statehood

7.2% wanted to express displeasure with the Governor

5.8% wanted the plebiscite postponed

4.3% were opposed to the sale of the telephone company

4.0% were motivated by former Governor Hernandez Colon's call to vote that way

There are other polls that have different percentages or mention other reasons, including opposition to the sale of the water utility and dissatisfaction with the leadership of various political parties. Would each of you comment on this poll, whether you agree with the breakout, or whether you think there were other reasons for the vote?

Answer. As we said on our statement, the supporters of the "None of the Above" column were a coalition of commonwealth, free association, independence and non-committed voters. There is no doubt that the majority of that support came from within the ranks of the Popular Democratic Party (which has an amalgam of autonomist tendencies that range from status quo to full free association). But there were also many independence voters who opted for that column as evidenced by the fact that independence lost 40% of the support it had in 1993.

In the *San Juan Star* poll there is no breakout of the 57.8% that said they want to leave things as they are. What does this means in terms of status? Do all of them want status quo or do all of them want to preserve the commonwealth structure and provide it with autonomic enhancements (such as the October 15 Popular Democratic Party definition). There is just no precise way to tell. The most you can say is that those people are PDP voters who reject statehood and independence and want some variant of commonwealth status. I have no doubt that there are many free association backers among them.

As for the other factors, there is also little doubt that there was a strong resentment against the Governor for many reasons, including his pushing for a plebiscite

along the lines of H.R. 856. This fact should be understood in any restructuring of a new process for political self-determination in Puerto Rico.

Question 2. In the 1993 status vote, Independence received 4.4% of the vote. That declined to 2.5% in this last vote. Why?

Answer. Our previous answer addresses that to an extent. We also believe that the Independence Party's strong identification with H.R. 856 might have been a factor. There could also have been an expression of disapproval with the current leadership of that party.

Question 3. I assume that each of you believes that your fellow panelists ran ads and made campaign speeches for their option and against yours that you believe were not accurate. Do you think that the voters in Puerto Rico were misled or do you think they knew what they were voting for or against?

Answer. The campaign ran low on substance and high on symbolism and partisanship. In the end there was not enough of a discussion of the subtleties of each option, but rather people concentrated on two big divides:

a. Are you for Puerto Rican nationhood or assimilation?

b. Are you dissatisfied with the Governor and his recent policies?

Those who were for assimilation and Governor Rossello voted for column #3. Those who were for nationhood and for a change in government overwhelmingly voted for the "None of the Above" column. In the end, all other substantive issues were secondary.

Question 4. In October, the Popular Democratic Party adopted a new definition for a developed commonwealth. In many respects it resembles the definition of the "New Thesis" that this Committee did not agree in 1989. Without going through a word for word criticism of each of the definitions, aren't we faced with the fact that no matter what is on the ballot each party will try to describe the future in the most favorable terms?

Answer. First of all, a clarification is in order. The "New Thesis" was an essay-like proposal developed by Fmr. Governor Rafael Hernandez Colon between 1978 and 1980 to state his vision of the future of Puerto Rico in terms of cultural, economic, gubernamental and status matters. It is a very relevant and positive document and it is not the definition considered and rejected by this Committee in 1989.

The 1989 proposal was drafted by the governing board of the Popular Democratic Party and not by a single individual. That text confronted a lot of problems in this Committee, particularly because it was ambiguous as to the source of political sovereignty for the Commonwealth and as to whether or not it was under the territorial clause of the U.S. Constitution.

Later documents have superseded that ambiguous definition. In varying degrees, the 1990 PDP General Council definition, the 1993 plebiscite definition and the October 15 PDP Governing Board definition all claim sovereignty in a non-territorial compact that gives international powers to Puerto Rico. Whether it is called by such a name or not, those legitimate aspirations of the PDP can only be obtained by a form of free association.

We believe that the Oct. 15, 1999 formulation warrants study by this committee as it is different in many significant ways from the 1989 one. In our opinion it is a major improvement. We grant that there might be some areas that need to be studied in careful and neutral detail (such as U.S. citizenship and the federal court) but in the end most of what is included in that text can be granted by Congress. It is a question of political will on both sides. Is Congress willing to give a free association-like compact to Puerto Rico under Commonwealth? Is the PDP willing to undertake a serious negotiation of the legitimate issues raised by that text? There, in our opinion, lies some of your upcoming work.

As to the second part of the question, there is no doubt that each party or sector in Puerto Rico will try to portray its definition in the best light possible. That is what political parties do everywhere; it's the nature of the game. That is why Congress and the Administration have to step in, agree with specific definitions and set them up in a federal statute. This would force all parties to give more truth in advertising as the people will have the specific texts as approved by the U.S.

Question 5. Until we get through the general elections at the federal level and in Puerto Rico, is there something constructive that this Committee can do to advance the dialogue?

Answer. Although we reaffirm our position that no congressionally mandated plebiscite should be convened in Puerto Rico until after the election, we still believe that much can be done now to help Congress and Puerto Rico clarify the true options that the federal government is willing to offer and give to Puerto Rico. Definitions can be straightened out and narrowed. Inevitable tough choices can be furthered along. And a fair process can be designed. A lot of these preliminaries

could be worked out now so that Congress can call, via federal statute, for a plebiscite or a Constitutional Convention early in the next four-year cycle.

We call to your attention, once again, the suggestion made by the Mayor of Ponce in his February 10, 1999 letter to the President of the United States to convene a panel (or panels) of constitutional experts from each option to work on these issues.

Question 6. Are you a member of the Popular Democratic Party? (If reply is yes?) You therefore represent a faction of the Party that does not agree with the Party leadership on the status issue. How do you explain that the option that you defend did not garner 5,000 votes out of the 1.5 million voters who participated in the plebiscite?

Answer. Yes, I am a member of the Popular Democratic Party and have been active on party affairs for several years now.

However, both PROELA and the coalition of organizations that helped defend free association have no requisite of party affiliation to take part in our affairs. Thus, we have supporters who are PDP members and others who are not. As to the particular breakdown of that reality, I will not disclose the party affiliation of any of the members of PROELA without their express consent.

Still, PROELA has been very active on ideological and status matters within the PDP. As I stated the PDP is an amalgam of tendencies that favor variants of autonomy. Our position regarding 1998s plebiscite does not mean that we totally disagree with the Party leadership on the status issue. It meant that we had a specific strategic disagreement as to where to express our convictions on the ballot. We chose column #2 and they chose "None of the Above".

As a matter of fact, PROELA endorsed the October 15 definition approved by the PDP because the degree of sovereignty, self government and autonomy included in that text is only achievable through a development towards free association. We stand by that assessment and we can substantiate it with an in-depth analysis.

Still, if the Popular Democratic Party does not step up and defends free association or sovereign autonomy or associated nationhood (the name is irrelevant, the important thing is the non-territorial nature of the status), PROELA will take up the fight once again. That is why PROELA will continue to speak with its own voice in Congress and in the Administration in defense of its own option: free association.

Question 7. What would you have the Congress do to resolve the political status issue for PR?

Answer. First of all, it must be clear that there will not be a viable process for final disposition of this issue unless it is mandated by federal statute. Local processes, as we stated during the hearing, are no longer useful. If Congress means to solve this issue, it has to take the lead and legislate a fair process, agree with specific, clear and unambiguous definitions and set up a binding response mechanism.

There are two options:

1. An improved version of last year's Chairman's Mark in which the representatives for each option have a legitimate chance to improve both the definitions and the process or;

2. A statute calling for a special constitutional assembly elected in Puerto Rico to negotiate with Congress both process and definitions. The agreements of that negotiation, would be incorporated into a law providing for a final vote in Puerto Rico and a swift and reasonable response and implementation mechanism by the U.S. Government.

Once again, Mr. Chairman, we are available to further our input in this ongoing process. We await your response and the Committee's next act.

REPUBLICAN NATIONAL COMMITTEE,
San Juan, PR, June 1, 1999.

Hon. FRANK MURKOWSKI,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: Attached are my responses to the questions you forwarded to me by your letter dated May 12, 1999. Again, it was a pleasure appearing before you on May 6 as the New Progressive Party witness on the panel to which these questions are directed. I hope my responses, together with my written and oral testimony, are of assistance to the Committee.

Cordially,

ZORAIDA F. FONALLEDAS,
National Committeewoman for Puerto Rico.

RESPONSES TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. The January 24 *San Juan Star* published the results of a poll by Pablo Ramos of Precision Research. The poll had a margin of error of 4% and broke out the "None of the Above" vote as follows:

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4.3% were opposed to the sale of the telephone company

4.0% were motivated by former Governor Hernandez Colon's call to vote that way

There are other polls that have different percentages or mention other reasons, including opposition to the sale of the water utility and dissatisfaction with the leadership of various political parties. Would each of you comment on this poll, whether you agree with the breakout, or whether you think there were other reasons for the vote?

Answer. No one will know what "Leave things as they are" means until Congress responds to the commonwealth party's assertion that as a matter of law Puerto Rico is no longer a territory of the United States. Does "things as they are" mean commonwealth secures constitutionally guaranteed permanent union and irrevocable U.S. citizenship like a state, but also constitutes separate sovereignty and nationality states of the union do not enjoy? Has Congress somehow restricted its powers in Puerto Rico so that permanent disenfranchisement of American citizens under commonwealth is justified?

Or, does "things as they are" mean commonwealth is based on a statutory policy of Congress to permit local civil administration of a territory through self-government, but subject in all matters to the supremacy of federal law and the authority of Congress under the territorial clause? If so, the meaning of "things as they are" changes, and the poll results would be closer to the 1998 vote in which 99% rejected territorial commonwealth.

Question 2. In the 1993 status vote, Independence received 4.4% of the vote. That declined to 2.5% in this last vote. Why?

Answer. The Puerto Rico Legislature approved a 1998 ballot that defined statehood, commonwealth and independence more accurately than in any previous status vote. Even so, "None of the Above" became a very attractive alternative for all those who want or need Congress to define the terms for transition to a new status or continuation of commonwealth.

Voters are naturally reluctant to choose between locally defined options when Congress has not clearly and authoritatively informed the public whether the options advocated by the local parties are constitutionally valid or politically viable. That made "None of the Above" a safe vote, including for many who have in the past and will in the future cast their ballots for statehood or independence.

In addition, the PDP urged voters to cast ballots for "None of the Above" to express opposition to the government's policies in numerous areas unrelated to status. All of these factors clearly reduced both the statehood and independence vote, and increased the "None of the Above" vote.

Question 3. I assume that each of you believes that your fellow panelists ran ads and made campaign speeches for their option and against yours that you believe were not accurate. Do you think that the voters in Puerto Rico were misled or do you think they knew what they were voting for or against?

Answer. The U.S. citizens in Puerto Rico and their political parties exercised their First Amendment rights vigorously, as Americans generally do at election time. In the absence of guidance from Congress on status issues that involve questions of federal law and policy, the vote naturally tended to become more of a local party contest.

Consequently, ads by the PDP tended to be more like campaign commercials about candidates for political office. Since the PDP did not have to define what "None of the Above" means, it conducted a campaign that had little to do with any actual status option. Each party has a right to choose its message, but the refusal of the PDP to defend commonwealth as it is under current federal law and 99% voter rejection of territorial commonwealth is perhaps the most clear message for Congress to consider.

Question 4. In October, the Popular Democratic Party adopted a new definition for a developed commonwealth. In many respects it resembles the definition of the "New Thesis" that this Committee did not agree in 1989. Without going through a word for word criticism of each of the definitions, aren't we faced with the fact that

no matter what is on the ballot each party will try to describe the future in the most favorable terms?

Answer. No political party can be expected to define its agenda in anything but the most attractive terms possible. The dilemma is that Congress has not informed the voters of the terms for continuation of commonwealth or a transition to either statehood or independence. This makes it impossible for the voters to evaluate the claims of the local parties in a critical and informed manner based on an accurate understanding of federal law and policy, which happens to be controlling.

Chairman Murkowski's question states that the Committee rejected the PDP's "New Thesis" in 1989 and that the 1998 PDP proposal is the same ideology rejected in the past. Certainly, a good first step would be to formally and officially inform the public of these facts.

If Congress ends its silence, the parties can still try to put their options in the most favorable light, but then there will be a level playing field for all options. As it stands right now, the realities of statehood and independence have been defined in Congressional deliberations far more clearly than the realities of commonwealth, which has made it possible for the commonwealth party to sustain its mythology without meeting the same "truth in advertising" standard to which the statehood and independence parties have been held.

Question 5. Until we get through the general elections at the federal level and in Puerto Rico, is there something constructive that this Committee can do to advance the dialogue?

Answer. The timetable for Congressional action should not be based on local politics in Puerto Rico. If the federal electoral politics to which you refer prevent nothing more, the very least Congress must do is confirm by statute whether or not the current commonwealth is territorial, whether federal law remains supreme in Puerto Rico in all matters whatsoever, whether or not all past, present and future measures and actions under the local constitution remain subject to the authority of Congress, and whether Congress retains the power to amend or repeal federal law and policy applicable to Puerto Rico now or at any time in the future.

These are not particularly tricky issues, except that Congress has failed for four decades to confirm the fundamental political order of American federalism in Puerto Rico. The result is the U.S. Constitution itself must now be defended in Puerto Rico before informed self-determination can proceed and an ultimate status can be achieved.

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF LEO SORENSEN ON BEHALF OF THE MEMBERS OF ENGLISH LANGUAGE ADVOCATES

I wish to thank the Chairman and members of this committee for the opportunity to comment on the outcome of the Puerto Rican plebiscite, held on December 13, 1998.

My name is Leo Sorensen. I am an immigrant from Denmark who learned English after coming to the U.S. as a young adult. I address you today as chairman of English Language Advocates (ELA), a national, nonprofit, non-partisan public interest organization dedicated to the enactment of legal protection for our common language, English. Since its founding in 1994, ELA has grown to over 50,000 members nationwide.

The purpose of today's hearing is to probe the significance of the recent plebiscite. It is indeed somewhat confusing when the loser immediately proclaims victory and the winner is "None of the Above." But to those who have followed the status issue over a long period of time the true meaning of the plebiscite is obvious. Once again, as was the case in three earlier plebiscites, the island's voters have rejected Statehood.

In 1993, the Statehood Party received 46.3% of the votes cast. Five years later, that number was 46.5%.

It is telling to look at the ways in which this vote was obtained—the extreme tactics that Statehood advocates used to win even this very modest increase. I'll be specific:

1. Very early in the preparations for the campaign, the ruling Statehood party defined the meaning of "Commonwealth"—as it was to appear on the ballot—in absolutely slanderous terms. Commonwealth was basically described as an abject colonial status akin to slavery under the imperial boot of the United States. As a result, Commonwealth supporters bolted from that designation, and rallied under the winning "None of the Above" alternative.

2. I was personally present in Puerto Rico the week before the plebiscite and can only wish that the members of the committee had also had a chance to observe the campaign first-hand. In around-the-clock television advertising, Statehood was shown as an endless stream of dollars flowing from the mainland to the island. The message was that voting for Statehood is the sure way to get rich quick!

Other commercials implied that Puerto Ricans would need a passport to visit relatives in the U.S., as they would lose U.S. citizenship if they did not quickly act to become a State. This lie was acted very dramatically in a scene pulling at the heartstrings.

Still other commercials reassured voters that they could get tons of money and benefits without any requirements to change their traditional language and culture. No adjustment to English would be necessary, and island life would go on in Spanish, as before.

3. To finance their advocacy, the Statehood leadership helped themselves generously to federal emergency funding for relief to victims of Hurricane George and to assist AIDS patients with costly medications. According to the Associated Press, the island is "awash in trials" from this massive embezzlement scheme, which diverted money from disaster victims to Statehood campaigning. (See attached article).*

In spite of the massive campaign of misinformation propagated by the criminal misuse of federal dollars, the Statehood forces were yet again rejected by the voters.

The members of English Language Advocates strongly urge you to ignore calls for yet another plebiscite in the near future. We believe that Congress must first act

* The article has been retained in committee files.

honestly with the Puerto Rican voters and responsibly with the American ones by passing legislation designating English the official language of the United States. Only when English enjoys the elevated legal status it deserves will Puerto Ricans have a clear understanding of what adjustment is expected of a State joining our Union, and only then will Americans on the mainland feel confident that the State of Puerto Rico is not a code word for "Quebec."

The historic record is unambiguous. New Mexico, Arizona, Louisiana, and Oklahoma each had to make special provisions for the English language. We can demand no less of the would-be fifty-first State.

STATEMENT OF THE UNITED STATEHOODERS ORGANIZATION OF N.Y., INC.

This statement is submitted on behalf of the United Statehooders Organization of N.Y., Inc. The United Statehooders Organization is a civic organization registered in the State of New York instituted to educate, advocate and promote the admission of Puerto Rico as the 51st State of the United States of America.

The results of the recent locally sponsored plebiscite on the status of Puerto Rico have been subject to multiple and at times contradictory interpretations. Though some have argued that a non-Congress binding plebiscite involving five alternatives, including an empty one, was an exercise in futility, it may be said that sifting the issues in Congressional bill hearings, in public debates and educational forums and in the Puerto Rican and American press have helped enormously to raise awareness of the issues and further clarify them. To forge a strong and decisive will in Puerto Rico on the now centenary matter requires clear understanding; this in turn fosters clear expectations and aspirations on the Island and in Congress as well.

Notwithstanding multiple interpretations and victory calls, two indisputable facts emerge from the results: first, that the present Commonwealth status "as is" was categorically rejected by the electorate, including the Estadolibristas; and second, as the electorate opted for the empty Fifth Column as expounded by the Popular Democratic Party, the political football is in the hand of the so-called autonomists. In rejecting the present status, especially the notion of the Commonwealth as an unincorporated territory of the United States, and the three alternatives recognized by the U.N. for a colony, or territory to attain sovereignty, the upholders of Commonwealth must now fill the void created.

Given the outcome, where do the issues stand and how may the people of Puerto Rico and Congress forge ahead?

Fifty years after its foundation, the Popular Democratic Party (PDP) is profoundly divided over how to "culminate" or even characterize the present Commonwealth status. On the one hand, the Estadolibristas, or Commonwealthers, headed by former governor Rafael Hernandez Colon, visualize the Puerto Rico Federal Relations Act of 1952 (Public Law 600) as a mutually binding, permanent "pact" and Commonwealth a "sui-generis" status outside the scope of the territorial clause of the Constitution. This faction advocates its culmination "from within", i.e., by the gradual transfer of sovereign powers to the Island by Congress through amendments to Public Law 600, while recognizing the permanency of American citizenship and its concomitant rights, federal funds for instance.

On the other side, the so-called "autonomist" faction pursues similar objectives "from the outside", i.e., through free association as defined by the U.N. Contrary to the Estadolibristas, this one publicly maintains that the Commonwealth status either is colonial or has colonial remnants. In these circumstances they espouse the immediate repeal of Public Law 600 and the simultaneous adoption of a mutually binding "nation to nation" pact to ensure political sovereignty while preserving American citizenship and recognizing the Puerto Rican one.

However, it is not entirely clear that a Commonwealth status "culminated" from "within" as propounded by the Estadolibristas, i.e., a sovereign or quasi-sovereign Commonwealth outside the jurisdiction of Congress or Section IV of the Constitution and vested with citizenship and inherent rights, is constitutionally feasible. Similarly, it is not clear that a mutually binding, permanent treaty between the sovereign nation of Puerto Rico and the people of the United States that would establish Puerto Rican citizenship while preserving the American one is constitutionally viable or even sociologically desirable.

In other words, it is not entirely clear whether the void can be filled or how. Procrastination while waiting for the next election results in the expectation of calling a Constitutional Convention to tackle the matter as suggested by some, or in the hope of introducing extraneous power plays at the local or even international levels would foster more confusion and perhaps even paralysis. At this historic juncture, the Estadolibristas, not Puerto Rico are at a crossroad. Their contention that Puerto

Rico is not a territory of the United States or that Public Law 600 is a mutually binding "pact" between the peoples of Puerto Rico and the United States needs to be categorically cleared and resolved. To accelerate a status resolution process, this Commission should urge the Popular Democratic Party leadership to make good a recommendation of ex-governor Hernandez Colon that the territorial status Puerto Rico be tested before the U.S. Supreme Court. This is the best service that the estadolibristas may perform on behalf of the peoples of Puerto Rico and the United States in the aftermath of the plebiscite.

In the meantime, the examination of issues must proceed, particularly the clarification of blurred semantics that in many occasions hampers discussion. The concept of "autonomy" as a separate status option is a case in point.

Ever since the 19th century the political discourse in Puerto Rico has unfolded in terms of "separation," "integration," and "autonomy" as the available political status options. This categorization, however, is more relevant to the 19th century than to the present day situation. Generally speaking, Puerto Rican political leaders at the time tended to reject separation as a solution to the then colonial condition of the Island. However, they also opposed full integration, or "assimilation" to a politically centralized, monarchic system of government and its concomitant social structure. In those circumstances autonomy, or political and administrative decentralization, became a highly desirable political objective. However, autonomy, or self government, is not now the issue to finally resolve the status question but sovereignty.

To illustrate, ever since its inception in 1787 as the first modern republic, the United States has been a federation of autonomous political entities or states. In these circumstances the full integration of Puerto Rico as a state involves political and administrative decentralization, or autonomy, as well. "Autonomy" is not a separate status on par with statehood or independence as the so-called "autonomist" faction of the PDP suggests. The issue today is not autonomy but sovereignty. In this perspective there are only two options available to finally resolve the Puerto Rico status question: sovereignty as an independent nation-state, or its variant free-association with the United States; and sovereignty acquired upon the Island's full integration as a State of the United States. The gradual transfer to the Island by Congress of additional "autonomous" powers does not resolve the issue. Unfortunately for Puerto Rico there is no middle road to maturity and freedom. This is the PDP dilemma.

Last, we urge the Senate of the United States to take an active role in clarifying the issues. Key ones such as the territorial status of Puerto Rico; the status of American citizenship under the present Commonwealth arrangement and under free-association, and the issue of language, among others, were addressed by H.R. 856, "The United States-Puerto Rico Political Status Act". To continue in the aftermath of the plebiscite this issue clarification process, we recommend that this Committee identify the critical issues that must be addressed by all parties and civic organizations in order to achieve a clear understanding and framework in Puerto Rico and the Congress. Misunderstandings and misinterpretations beget confusion and confusion uncertainty. In its turn uncertainty may beget paralysis, or worse complacency. Forging a strong and decisive will in Puerto Rico and Congress over this centenary matter first requires open-mindedness and a clear, mutual understanding.

STATEMENT OF THE COMMITTEE FOR THE RESCUE AND DEVELOPMENT OF VIEQUES

Good morning, Mr. Chairman and members of the Senate Committee on Energy and Natural Resources. The Comité Pro Rescate y Desarrollo de Vieques (Committee for the Rescue and Development of Vieques) is a non-partisan grass-roots organization dedicated to the permanent cease and desist of the bombing by the U.S. military in Vieques, Puerto Rico, to putting an end to the military presence in Vieques, and to promoting the sustainable development of the island. The Committee was founded in 1993 by community and civic leaders in Vieques of all political ideologies.

As this Committee discusses issues related to the political status of Puerto Rico, our organization would like to bring to your attention an issue that transcends political status preferences: The occupation and bombing by the U.S. Navy on Vieques, Puerto Rico. This situation is unconscionable and must be stopped. We urge this Committee, the U.S. Congress and the Administration to do all it can to address this situation without further delay. Our land and the lives of our 9,000 residents are literally at stake here.

Around 7:00 PM (EST) on April 19, 1999, a U.S. Navy pilot launched two five hundred pound live bombs from his FA-18 jet that missed their target at the bomb-

ing range in Vieques, destroying the Navy's observation post, killing David Sanes, a civilian security guard at the observation post, and injuring several others.

David Sanes' death was the chronicle of a death foretold. For decades Viequeses have been clamoring for an end to the bombings and shellings on our Island and for an end to the military presence. As The Washington Post well put it in its editorial "Island Casualty" this past Monday, May 3, David's death "is more than an isolated accident. It is the latest instance of predictable harm to the people of Vieques that goes back through decades of military neglect of island interests." The Post editorial correctly added that the military can find another site as there simply should be no bombing on a small inhabited island.

Political and religious leaders, as well as leaders and representatives of other sectors of Puerto Rican society, have spoken out firmly and consistently since the killing of David Sanes, demanding an immediate end to the bombing and the gradual end of the military presence in Vieques.

This was not the first time that the Navy missed its target. Fishermen generally complain about the great number of unexploded bombs in the coastal waters of Vieques and the destruction caused to coral reefs and other elements of the marine environment done by stray bombs from jets and ships. In October of 1993, another FA-18 fighter jet missed its target by about ten miles, dropping five five-hundred-pound live bombs about one mile from the main town of Vieques. Luckily, no one was killed in that incident.

Last year, during maneuvers involving Navy and Puerto Rican National Guard troops, bullets broke windows in the Public School Buses parked at the Public Works area of the Municipal Government in the Santa Maria sector. Several government employees in the area at the time had to take cover until the shooting stopped.

The Mayor of Vieques has not received an explanation from the Navy about either of these recent "accidents", and probably will never receive much information about the killing of David Sanes.

Vieques is an island municipality of Puerto Rico, six miles southeast of the main island. 72% of its population of approximately 9,000 live below the poverty level. The Municipal Government reports over 50% unemployment. Studies by the University of Puerto Rico School of Public Health indicate that Vieques suffers a 27% higher cancer case rate than the rest of Puerto Rico. The Puerto Rico Legislature approved legislation ordering an epidemiological study to determine the causes of the higher cancer rate. People on Vieques, environmental and health experts throughout Puerto Rico, relate the abnormally high cancer rate to the environmental degradation caused by U.S. Navy and NATO bombing (the Navy "rents" Vieques to NATO and other countries for bombing practice) on this small Caribbean Island.

Since the 1940's, the U.S. Navy controls 3/4 of Vieques' 33,000 acres. The western end is used as an ammunition depot while the eastern third is a bombing and maneuver area. Military expropriations in the 40's caused a social and economic crisis that lasts to this day. The Navy controls the shortest economic point between Vieques and the main island (the Puerto Rico Ports Authority must use an 18 nautical mile route instead of the six mile route controlled by the military). The Navy controls the highest points on the island, the best aquifers and most fertile lands, extensive white sand beaches, and hundreds of archaeological sites.

Large scale ecological destruction is the result of over half a century of bombing and experimentation with new weapons systems. In his study titled "Vieques: The Ecology of an Island Under Siege", Professor Jose Seguinot Barbosa, Director of the Geography Department of the University of Puerto Rico in Rio Piedras, explains that "the eastern tip of the island constitutes a region with more craters per kilometer than the moon." Professor Seguinot Barbosa adds that "the destruction of the natural and human resources of Vieques violates the basic norms of international law and human rights. At the state and federal level the laws pertaining to the coastal zone, water and noise quality, underwater resources, archaeological resources and land use, among others, are violated."

Chemical engineer Rafael Cruz Perez, in an article titled "Contamination Produced by Explosives and Residuals of Explosives in Vieques, Puerto Rico" (published in Dimension, Magazine of the Association of Engineers and Surveyors of Puerto Rico, Year 2, Vol. 8, Jan. 1988) points out that "... chemicals from the bombing (TNT, NO₃, NO₂, RDX and Tetryl) are transported by diverse mechanisms toward the civilian area . . . We find that the effective concentration of particles over the civilian area of Vieques exceeds 197 micrograms per cubic meter and therefore exceeds the legal federal criteria for clean air."

Fishermen have for decades struggled to get the Navy to stop bombing and leave the island. Giant military ships destroy fish traps and bombing and other maneuvers impose severe restrictions on fishermen's entry into some of the best fishing areas around the island. On numerous occasions fishing boats have been damaged

by naval gunfire and fishermen have been severely hurt by exploding bombs close to their fishing activities.

The Committee for the Rescue and Development of Vieques has begun to articulate, with the assistance of experts from Puerto Rican universities and international organizations, a vision for the future social and economic development of a Vieques freed from the Navy.

Our Committee recommends the creation of a land trust to keep and maintain the lands rescued from the Navy in the hands of the community of Vieques. Our Committee also recommends the establishment of a continuing education and training program in order to adequately empower the community of Vieques to manage its own resources, including but not limited to, its hotels, restaurants, agricultural projects, small factories, and scientific and environmental projects. The goal is to ensure the sustainable development of Vieques by Viequenses, for the benefit of Viequenses and those who visit our beautiful island.

Mr. Chairman and members of the committee, this is a historic moment for the people of Vieques. We ask the United States Congress to take a historic step in ending more than half a century of crude and persistent violations of the basic human rights of the people of Vieques, Puerto Rico. Help put an end to the military presence in Vieques. We demand peace and request that you give us hope for peace in our island in the new millennium. Thank you.

STATEMENT OF ENRIQUE VASQUEZ QUINTANA, M.D., STEERING COMMITTEE,
CIVIL ACTION PARTY

FOURTH OPTION TO SOLVE THE COLONIAL STATUS OF PUERTO RICO

The Civil Action Party (CAP), which I represent, requested admission to participate at the oversight hearing that the Committee on Energy and Natural Resources is holding on May 6, 1999 to interpret the results of the December 13, 1998 plebiscite held in Puerto Rico. Since our petition was declined we are submitting the present document.

The Civil Action Party, which favors the Free Associated Nation status is in the process of being registered as a new political party to participate in the year 2000 elections in Puerto Rico. Its name, emblem and color were already approved by the Commonwealth Elections Commission. The CAP did not participate in the plebiscite held on December 13, 1998.

Puerto Rico is a non-incorporated territory of the United States. The Island was obtained as a war booty following the Hispanic-American War of 1898. Puerto Rico is under the plenary powers of the United States Congress. Consequently, the issue of our status is a domestic problem between the United States and Puerto Rico which must be solved without the participation of the United Nations General Assembly. Congress must therefore legislate to solve our political status.

Up to now the relationship between Puerto Rico and the United States is regulated by two acts: the Jones Act of 1917 and Act 600 of July 3, 1950. Congress has not made any expression contrary to Act 600. Similarly, it has not endorsed any of the three plebiscites held in Puerto Rico after the creation of the Commonwealth of Puerto Rico in 1952. We Puerto Ricans have not decided either which political formula we favor in order to ask Congress to honor our decision. Congress has never expressed under what circumstances Puerto Rico would be granted statehood. The Young Bill with only three status options: Statehood, Commonwealth and Independence including the Free Associated Nation, was not endorsed by Congress. As a reaction, a local plebiscite was held on December 13, 1998. In a certain sense, the celebration of this event was an act of futility. For the above reasons, the Civil Action Party refused to participate in this charade, although we favor the Free Associated Nation status for Puerto Rico.

By the time this last plebiscite was held, there was a widespread discontent with the party in power. There has been opposition to the many reforms being implemented in our Island as well as to the selling of hospitals and the telephone company and more important, to the rampant corruption in the government. On the other hand, the definition of the commonwealth copied from the Young Bill restating that Puerto Rico is a colony was not accepted by the Popular Democratic Party leadership. Therefore, in the plebiscite a fifth option, none of the previous ones, was included. The fifth option received the majority of votes. The vote cast under this option (None the previous ones) was interpreted as a punishment to the present administration. Under that option voted people affiliated to the Popular, Independence and even New Progressive Parties who wanted to punish the present government. It was a vote of the people in general, not from any particular party. None of the

parties can claim that the fifth option prevailed because of the votes of their affiliates. The Independence Party obtained less votes in this plebiscite than in the general elections. The status quo received 1% of the votes, which means that almost all the members of the Popular Party voted for the fifth column. The sum of the votes for all the options except for the statehood one, accounts for 53.6% of the voters and that vote clearly meant a rejection of statehood. Twenty-eight percent of eligible voters did not participate in the plebiscite. If they abstained from voting because they thought nothing would happen as a result of this event, they were right.

Any future plebiscite should be endorsed by Congress and carry the real intention to comply with the request of the majority of voting Puerto Ricans. We are faced with a terrible dilemma, but the problem can be solved if Congress expresses itself on the following:

1. Under what conditions would statehood be granted. In particular, is Congress willing to allow what some pro-statehood leaders consider a special type of statehood (Jibaro Statehood) in which Spanish will be the official language in the State of Puerto Rico? Similarly, if representation in international organizations including the United Nations, American States Organization, Olympic games and beauty contests would be allowed.

2. Is Congress willing to accept Puerto Rico as the poorest state with 60% of our population at the poverty level and unable to pay taxes?

3. Will a simple or super-majority be required by Congress to grant us Statehood?

4. Indicate clearly that Puerto Rico is really a colony under the territorial clause of the American Constitution.

The answers by Congress to these four ambiguities will serve as guidelines to the Puerto Rican-Americans who will vote in a future plebiscite to solve our political status. Certainly our people will make a decision.

Historical background

By the end of 1897, after more than four centuries under Spanish colonial rule, Puerto Rico was granted an Autonomic Charter (Carta Autonomica) by Spain which allowed a certain measure of self-government for the Island. At the end of the Spanish-American War, the U.S. government claimed Puerto Rico as a war booty, taking possession of the Island after a military invasion on July 25, 1898. This fact is in and of itself an unprecedented event in American history since the 950,000 Puerto Ricans who inhabited the Island at that time were not even consulted. From 1898 to 1900 Puerto Rico was under a military government not knowing whether its inhabitants were Spanish, Puerto Rican or American. By virtue of the Foraker Act of 1900 the people of Puerto Rico became Puerto Rican citizens. Since we could not be any other thing but Puerto Rican, such legislation by the U.S. Congress is preposterous and absurd. Moreover, the Foraker Act did not contain a bill of rights nor did it even mention one single right to protect individual freedom. Under the Jones Act approved by Congress in 1917 Puerto Ricans were granted the American citizenship with President Taft indicating that such action did not imply a promise for statehood or any related proceedings. The inhabitants of no other territory seized by the U.S. through war have ever been granted U.S. citizenship, before or after the granting of such citizenship to Puerto Ricans in 1917.

In 1952 the Commonwealth of Puerto Rico (Estado Libre Asociado: ELA) was created whereby Puerto Ricans were allowed to write their own Constitution (subject to the approval of the U.S. Congress) and establish a local government to manage the Island's internal affairs in keeping with such Constitution. At that time, the executive branch of the U.S. government manifested that Puerto Rico was no longer a colony of the United States, a representation which was also made in the United Nations. Nonetheless, up to the present day, the U.S. Congress has consistently maintained that it still has the authority to exert total control over Puerto Rico under the territorial clause of the U.S. Constitution. Whether or not the executive branch of the U.S. Government did in fact misrepresent the situation of Puerto Rico before the United Nations in 1952 is not relevant anymore. The truth is that the present political status of Puerto Rico is that of a colony of the United States.

After 100 years under this colonial relationship a certain degree of interest to resolve the political situation of the Island seems to have arisen in Washington. The first formal congressional attempt to solve our political status, the Young Bill, proposed by Don Young, a Democrat from Alaska, included the three traditional options: Statehood, Independence and a redefined Commonwealth. Under the Independence alternative an option for Free Association was also included. Congress failed to endorse the plebiscite of December 13, 1998.

In 1998 Puerto Ricans observed the first 100 years of American presence in our Island.

The following statements should be known and taken into consideration for a final solution to our political status. Included are the wishes of most Puerto Ricans, as well as what I perceive are the preferences of the U.S. government in matters related to our Island.

1. Puerto Rican life and culture have been influenced by the United States for almost 100 years and still Puerto Ricans have resisted the adoption of English as their language. Only 10-15% of the Puerto Ricans are truly bilingual. The Americanization process has not been successful in Puerto Rico.

2. Puerto Ricans want to maintain Spanish as our official language.

3. Politicians use their native language in talking to their constituencies. Many of Puerto Rico's pro-statehood politicians do not speak English fluently.

4. Almost certainly Congress will insist that we establish English as our official language as a prerequisite to grant us statehood. Even though the 10th Amendment leaves that issue to the individual states to decide, English is the official language in all fifty states. Undoubtedly, Congress will request the inclusion of English as the official language in our schools, courts, government and business.

5. In the history of the United States only one state, New Mexico, was granted 20 years to adopt English as its official language.

6. Puerto Ricans would like to preserve the American citizenship, granted to us by the Jones Act of 1917.

7. We want to continue to compete as an independent nation in international contests. This distinguishes us as different people and separate from any other country.

8. When the 13 colonies united to institute the United States of America, the most populous state was Virginia, with 692,999 inhabitants. From there on no other state ever entered the Union with a larger population. Texas for example had 212,592; New York 340,000; New Mexico 360,350; Oklahoma 583,888; Alaska 226,167; and Hawaii 667,191 inhabitants at the time they were admitted as states.

9. When the U.S. invaded Puerto Rico on July 25, 1898, we had a population of 950,000 inhabitants within an area of 8,897 square kilometers. Now there are 3.8 millions inhabitants in Puerto Rico and about 3 million Puerto Rican natives living in the United States.

10. Aside from their native population, Hawaii and Alaska had a majority of Americans from the Mainland living in those two states at the time they petitioned for statehood.

11. There is not a significant number of American citizens from the Mainland living in Puerto Rico.

12. The integration of 3.8 millions of American citizens from Puerto Rico potentially could create unrest and apprehension from almost 50% of Puerto Ricans who do not favor Statehood.

13. There is no anti-American sentiment in Puerto Rico; almost 90-95% favor some sort of union with the U.S., only 5% favor independence.

14. Although supposedly a treaty was made in 1952 between the United States and Puerto Rico, we continue to be a colony since Congress retained absolute control over the Puerto Rican affairs under the territorial clause of the American Constitution.

15. This colonial status is evident in the Young Project which initially excluded the Commonwealth status even though that formula won the 1993 plebiscite. The supporters of the Commonwealth status objected to this exclusion and the Commonwealth was included in the project but defined as a colony.

16. The majority of Puerto Ricans firmly believe that we are a nation.

In regard to the United States:

1. Different governmental departments have a special or particular interest in Puerto Rico. This was true in the past, is true at the present time and will continue to be true in the future.

2. The U.S. wants to preserve Puerto Rico for commerce. Even though we are a small island almost all of our imports come from the United States.

3. The Defense Department wants to keep the military bases in Puerto Rico. The Navy needs the base in Ceiba, in the eastern part of our Island. The Army wants to keep the island of Vieques for military exercises. The Air Force needs the Ramey Field in Aguadilla, in the northwestern region, in case of a global or Caribbean conflict. Altogether, they are used to keep clear the oil lanes from the Caribbean refineries to the United States during periods of war.

4. The United States will not be willing to grant Puerto Rico the political power of two senators and seven congressmen under the Statehood status. Together with other Hispanics, (Cubans, Chicanos and Puerto Ricans living in the Mainland) the Hispanic caucus would be too powerful.

5. The inclusion of English in the formula for Statehood could be an excuse or subterfuge for not having to consider the political power of a state in the middle

of the Caribbean, speaking another language and with different origin, traditions and customs.

6. There may be other interests, unknown to us at the present time, operating for the retention of Puerto Rico as a non-incorporated territory.

It is my opinion that we must reach a solution satisfactory to both the United States and Puerto Rico. After 100 years, the United States is morally responsible to provide us an acceptable and honorable political status. The only political option that can harmonize what Puerto Ricans and Americans want is the Free Associated Nation. That formula as a free nation will provide to Puerto Ricans the following:

1. Puerto Rican citizenship.
2. One flag.
3. One national anthem.
4. Spanish as the official language and English as the second language.
5. Continued, separate participation in International events such as beauty contests and Olympic games.
6. Voluntary military service, unless a global confrontation erupts.
7. Gradual elimination, over a period of 15 or 20 years of the social benefits given to the American people of Puerto Rico.
8. Elimination of the maritime laws.
9. Options to keep the Medicare funds in the United States or transfer them to Puerto Rico. Benefit payments to the elderly, hospitals and physicians must be the same as in the United States, since we contribute the same amount for social security as Americans in the Mainland.
10. Laws passed by the Congress shall not apply automatically to Puerto Rico. Our legislature will evaluate them and adopt those that they consider to be beneficial to our Island.
11. The military bases, one of our assets, would be leased to the United States government. Those funds will be utilized by the Puerto Rican government for social services.
12. Our hospitals and educational programs will continue to seek voluntary national accreditation.
13. The environmental laws will continue to apply to Puerto Rico to preserve our land, water and air.
14. Immigration would be a combined responsibility of the two countries.
15. Puerto Rico will control its commerce.
16. Our Constitution could be changed by the will of our people and government, not requiring ratification by Congress.
17. The Federal Courts will stay in Puerto Rico if we continue to be American citizens.
18. The postal service will remain unchanged.
19. Communications will be under the jurisdiction of the Puerto Rican Government.
20. Puerto Ricans will not pay federal taxes.
21. The Free Associated Nation will be economically neutral to the United States.
22. The highest executive officer will be the president of the Free Associated Nation.

As a nation associated to the United States:

1. Puerto Ricans will retain their American citizenship; those born after the new treaty will continue to be American nationals.
2. The monetary unit will be the U.S. dollar.
3. There will be Common defense.
4. Puerto Rico will have access to United States markets and benefit from commerce treaties made by the United States with other countries.
5. Free flow of Americans and Puerto Rican-Americans to and from the U.S. and Puerto Rico will be permitted.

Discussion

For one hundred years, the United States maintained Puerto Rico in a colonial status. Puerto Rico is the oldest and the last American colony in the world. Following the Spanish-American War, the United States granted independence to Cuba and prepared the Philippine Islands for a gradual independence completed on July 4, 1946.

The utilization of plebiscites has proven to be the incorrect mechanism to solve the political status of Puerto Rico. Since the creation of the Commonwealth in 1952, we have had two plebiscites: one in 1967 and the other in 1993 and afterwards, no action was taken by Congress. From 1989-1991 Congressional hearings were held in Puerto Rico, and then the House of Representatives voted 400 to none in favor of having another plebiscite. The Senate took no action and that was the end of it.

For the incorporation of Hawaii and Alaska as states of the Union a referendum was held, asking only one question: statehood, yes or no. The same process must be utilized in Puerto Rico. To solve our political status the first question to ask is if we Puerto Ricans want to become a state or not. Congress must first decide if they have the disposition and intention to give Puerto Ricans statehood as an option. They likewise must define the terms of such option, in particular if English has to be the official language and if a super-majority of votes is required for the granting of statehood. If Congress cannot agree to hold such referendum, that will be interpreted as a clear signal that we will not be given that option ever. The majority of Puerto Ricans will then opt to consider the Free Associated Nation as the best alternative both for us and the United States. The United States is morally obligated to assist us through the process of creating a new status by allowing a transitional period of time reasonable enough for us to improve our economy and produce new capital incentives for the creation of new jobs.

A pact or treaty between two sovereign countries must be signed and supervised by the United Nations or the Organization of American States to fulfill the requirements of the agreement. Such agreement must comply with the fifteen requirements stated by the United Nations in its Resolution 742 of 1953 applicable to treaties between two sovereign countries. Based on our history and the recent political changes in the world, I really believe that Puerto Ricans will never request statehood. If that ever happens, Congress will not accept us as the 51st state of the Union.

Therefore, it is our contention that any other future plebiscite should include a fourth option. That option is the Free Associated Nation, in keeping with the concept of Free Association of said project.

The Free Associated Nation formula is the only viable and realistic status to solve both our problem and that of the United States. In that respect a new political party is being organized, Civil Action Party (Partido Accion Civil or PAC). That party should participate in the year 2000 general elections in Puerto Rico.

CITIZENS EDUCATIONAL FOUNDATION,
San Juan, PR, May 14, 1999.

Hon. FRANK MURKOWSKI,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

Re: Submission for the Record, Hearing on Puerto Rico's December 1998 Plebiscite,
6 May 1999

DEAR SENATOR MURKOWSKI AND MEMBERS OF THE COMMITTEE: Enclosed please find a statement by the Citizens' Educational Foundation, Inc., submitted for the record of the May 6, 1999 hearing on Puerto Rico's December 1998 status plebiscite. Pursuant to the instructions we received from the committee over the telephone, we have submitted an original and six (6) copies within two weeks of the hearing. If you need additional copies, or anything else, please do not hesitate to contact us.

We appreciate the committee's attention to the December plebiscite, and we commend the Chairman's invitation to all interested parties to submit their views in writing for the record. We sincerely hope our statement will be of assistance to the members of the committee as you work to reach your conclusions concerning the mandate of this plebiscite. However, we would like to take this opportunity to note that we feel strongly that the hearing itself should not have been limited to representatives of political parties or status "options." The issues in the status debate have been captive to the island's political parties for too long. This has led to a non-constructive debate emphasizing disputes and disagreements, and obscuring areas of consensus. Opening the record to entities outside the political parties constitutes a crucial step in what we hope is a broader trend toward releasing the dialogue on Puerto Rico's status from the grip of politicians. We hope that in the future, the committee will give equal attention to interested individuals and organizations, outside the political parties.

A solution to Puerto Rico's status problem is long overdue. We hope the Senate Committee on Energy and Natural Resources will use this opportunity to make a serious commitment to move forward in the implementation of a fair and effective process of self-determination for Puerto Rico.

Sincerely,

HERBERT W. BROWN III,
President.
CHRISTINA D. BURNETT,
Project Director.

STATEMENT SUBMITTED BY THE CITIZENS' EDUCATIONAL FOUNDATION, INC.

The Citizens' Educational Foundation, Inc., is a non-profit advocacy organization dedicated to the implementation of a fair and effective process of informed self-determination for the people of Puerto Rico. We are grateful to the Chairman for holding this hearing to assess the results of the December 1998 status plebiscite in Puerto Rico and for opening the record to contributions from interested individuals and organizations. We respectfully submit this statement to explain our organization's position with respect to the results of the latest plebiscite, and to assist the committee in understanding and responding to the mandate of the plebiscite.

CONCLUSIONS IN BRIEF

- The December 1998 plebiscite must be understood in light of previous plebiscites. Twice—in 1967 and again in 1993—the people of Puerto Rico have voted to “improve” the status quo with “enhanced Commonwealth,” both times in plebiscites without congressionally approved status options. Twice, the people of Puerto Rico have received no congressional response to their choice. In December 1998, in yet another plebiscite without congressionally approved options, a slim majority of the voters chose “none of the above.” Given Puerto Rico's experience with plebiscites that lead nowhere, this latest result sends an unequivocal message: The people of Puerto Rico reject the idea of a plebiscite without congressionally approved status options. It is time for Congress to make a decision—to decide what U.S. citizenship for the people of Puerto Rico means, and to inform the U.S. citizens of Puerto Rico, clearly, of which options Congress is prepared to accept as a resolution to the status problem.
- To be complete and final, self-determination must lead to an ultimate status based on equal political rights for all citizens. As long as the four million United States citizens living in Puerto Rico do not enjoy equal political rights, Congress and Puerto Rico will have a status problem. The equal rights and responsibilities of citizenship are not negotiable.
- Over 95% of Puerto Ricans have repeatedly voted to keep their U.S. citizenship. At the same time, the people of Puerto Rico have a strong cultural identity, reflected in polls showing that 91% say they feel “Puerto Rican first.” This means simply that Puerto Ricans do not think of their U.S. citizenship and their cultural heritage as mutually exclusive. This understanding of citizenship is consistent with the ideals on which this nation was founded. The United States should not make giving up one's culture a precondition of equal citizenship, with all of its rights and responsibilities. Puerto Ricans should not have to give up being Puerto Rican in order to have equal representation in the bodies that govern them, any more than Hawaiians, Texans, or any of our fellow citizens on the mainland should have to do so.

DISCUSSION

I. The December 1998 plebiscite must be understood in light of previous plebiscites. Twice—in 1967 and again in 1993—the people of Puerto Rico have voted to “improve” the status quo with “enhanced Commonwealth,” both times in plebiscites without congressionally approved status options. Twice, the people of Puerto Rico have received no congressional response to their choice. In December 1998, in yet another plebiscite without congressionally approved options, a slim majority of the voters chose “none of the above.” Given Puerto Rico's experience with plebiscites that lead nowhere, this latest result sends an unequivocal message: The people of Puerto Rico reject the idea of a plebiscite without congressionally approved status options. It is time for Congress to make a decision—to decide what U.S. citizenship for the people of Puerto Rico means, and to inform the U.S. citizens of Puerto Rico, clearly, of which options Congress is prepared to accept as a resolution to the status problem.

On December 13, 1999, the people of Puerto Rico participated in a referendum offering five status options: statehood, independence, commonwealth, free association, and “none of the above.” As always, the island's voter turnout of over 70% provided a model of civic participation that other democracies would do well to emulate. The results of the plebiscite were the following: statehood received 728,157 of the votes, or 46.6%; independence received 39,838, or 02.6%; free association received 4,536, or 00.2%; and the current commonwealth status received 993 votes, or 00.1%. A fifth option, “none of the above,” received 787,900 or 50.2% of the vote. This outcome sends an unequivocal message: It is time for Congress to decide which status options it is prepared to accept, and to put into place an effective mechanism of self-determination in Puerto Rico. This does not mean a process binding on Congress,

but one which empowers the voters to choose between options defined by, and terms acceptable to, Congress. While the failure to agree on, or insist on, one option is entirely consistent with the principle of self-determination, the refusal to afford the people a vote on meaningful choices is not.

- A. The 50.2% vote for "none of the above" sends a clear message: The people of Puerto Rico do not want to vote for status options which have been identified and defined in local law without any confirmation that Congress accepts those options as valid outcomes in a genuine exercise of self-determination.

"None of the above" seems at first glance a puzzling result. Much energy is currently being expended on how to put the right "spin" on what this mysterious choice means. You have surely heard that this result was a protest vote against the governor, or against the privatization of the government-owned telephone company, or against the failure to cancel the plebiscite in the aftermath of the devastating Hurricane Georges. There are also good arguments that it was a rejection of each and every one of the traditional status options: independence, which made a weak showing; statehood, which made a very strong showing but whose leaders are thought to have expected a stronger one; and the current commonwealth arrangement, which was soundly rejected.

Yet each of these interpretations can be contested, and none of them tells Congress anything about what to do next. Only one clear conclusion can be drawn from the result of this plebiscite: "none of the above" means Congress must define the options before the people of Puerto Rico can exercise self-determination. "None of the above" means this: "None of the above options is acceptable because none of them appears on a ballot with federally approved status options. We, the people of Puerto Rico, need congressionally authorized status alternatives."

A fair and effective process of self-determination has not yet taken place in Puerto Rico, and cannot take place until Congress decides which options it is prepared to accept. Puerto Ricans, through their elected representatives and through previous plebiscites, have for decades asked Congress to state clearly which status choices it would accept in order to put an end to Puerto Rico's status as an unincorporated territory. In December 1998, they asked again. By voting for "none of the above," a majority of the people of Puerto Rico took the firm position that the process of self-determination must begin with the congressional authorization of status options. The mandate of the plebiscite is clear: Congress must provide for a status plebiscite with options acceptable to Congress. As long as Congress postpones this decision, the people of Puerto Rico will be denied the exercise of their right to self-determination.

- B. Together with previous plebiscites, the 0.1% vote for the "commonwealth" option sends a clear message: The current status of Puerto Rico no longer enjoys the consent of the people.

The "commonwealth" option received one tenth of one percent of the vote. In other words, 99.9% of the voters rejected the current status. This is hardly surprising, since no one has voted for the current status since 1952. It is beyond argument that Puerto Rico's current status does not exist with the consent of the governed.

It has been argued that the commonwealth option was improperly defined on the 1998 plebiscite ballot, and that, as a result, it did not truly represent the status quo. We disagree.¹ However, the dispute over the definition of the commonwealth option is inconsequential, because nobody has voted for the current commonwealth status in decades. Therefore, to say that voters rejected this option because the commonwealth definition was "inaccurate" is to suggest that they would have voted for it otherwise, when in fact, voters—not to mention the leadership of the "pro-Common-

¹The Popular Democratic Party has objected to the ballot's characterization of the current commonwealth as an unincorporated territory subject to the power of Congress under the Territorial Clause. Their objection entirely disregards the findings in H.R. 856 and S. 472 (as well as Supreme Court case law). To follow the invitation of the Popular Democratic Party to use the definition of "commonwealth" from the 1993 ballot would be to mislead the people yet again about the nature of their current status. The December 1998 ballot, on the other hand, used a definition of commonwealth status entirely consistent with Congress' interpretation of that status. See, e.g., S. 472, § 1, para. (2): "Congress carries out all Federal responsibilities with respect to Puerto Rico, including those set forth in article IX of the Treaty of Paris, pursuant to clause 2 of section 3 of article IV of the Constitution (commonly known as the 'territorial clause'), which provides that 'Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.'"

wealth" Popular Democratic Party itself—have consistently rejected the status quo for nearly fifty years.

As you are aware, the leadership of the Popular Democratic Party has worked incessantly since the very inception of Commonwealth status to "perfect" or "enhance" it—that is, to make it something completely other than what it is. Since 1952, support for Commonwealth status has been support for a transitional status. In 1967, and again in 1993, the people voted for "enhanced" commonwealth status. It is not necessary, then, to rely on the dismal showing of the commonwealth option in the December 1998 plebiscite in order to conclude that the people of Puerto Rico do not consent to being an unincorporated territory of the United States. The status quo does not enjoy the consent of the people, and has not enjoyed it for a very long time.

C. The mandate of the December 1998 plebiscite is this: It is time for Congress to respond.

Currently it is being argued that the real message of the December 1998 plebiscite is that now is not the right time to resolve Puerto Rico's status problem. This conclusion is as misleading as it is perverse. It is contrary to the wishes of the people of Puerto Rico, who have time and time again voted against the status quo, and it is a betrayal of the generations of Puerto Ricans who dedicated their lives to the struggle to end Puerto Rico's territorial status. For them, far from being too early, it is too late. The claim that this plebiscite calls for postponement of the status question serves narrow political interests—it does not respond to the wishes of the people.

Although the United States has granted the island gradually increasing levels of self-government over the course of the century, Puerto Rico is still trapped in an essentially colonial status, subject to the plenary power of Congress under the Territorial Clause of the Constitution, and deprived of equal representation in the government that exercises ultimate sovereignty over the island's four million United States citizens. The continuation of Puerto Rico's current status seriously damages the island's civic life, divides its population, distracts its politicians, and denies equality to four million United States citizens. The solution to this problem is more than a century overdue.

Puerto Rico's dialogue with Congress on the resolution to its status dilemma is non-productive and inconclusive because Congress refuses to take a position on status until the people of Puerto Rico decide what they want—yet the people of Puerto Rico have made it clear that they refuse to engage in yet another futile exercise of deciding what they want until Congress takes a position on which options are acceptable. It is Congress' responsibility to break this impasse. A real process of self-determination requires negotiation: Puerto Ricans have made two concrete proposals, one in 1967 and one in 1993, and have received no counter-offers. Both times Congress failed to respond, although it came very close with H.R. 856 last year. Now, by voting for "none of the above," and emphatically rejecting the status quo (again), the people of Puerto Rico have taken the clear position that the ball is in Congress' court. If Congress is truly concerned with respecting the Puerto Rican people's right of self-determination, it will not simply wait for another proposal, while claiming that the people of Puerto Rico have yet to make up their minds. For Congress to fail to respond while the people of Puerto Rico repeatedly express their wishes is a far cry from respecting the people's principle of self-determination. In effect, it makes a mockery of that principle.

II. To be complete and final, self-determination must lead to an ultimate status based on equal political rights for all citizens. As long as the four million United States citizens living in Puerto Rico do not enjoy equal political rights, Congress and Puerto Rico will have a status problem. The equal rights and responsibilities of citizenship are not negotiable.

Self-determination is a means; equal citizenship and full political rights are the ends. Self-determination is a necessary but insufficient condition of decolonization. The consent of the people is indeed necessary for the implementation of any solution to Puerto Rico's status problem, but popular consent must not be used to justify the perpetuation of a colonial status. Instead, a valid mechanism of self-determination must be put in place through which an ultimate status based on civic and political equality can be achieved. As long as this does not happen, the process of self-determination will not achieve its ends, and the status problem will not go away.

A. Self-determination is meaningless unless it leads to a result that ensures full and equal political rights for all citizens.

The conditions of any solution to the status problem must include full political participation for the people of Puerto Rico in the bodies that govern them. Self-determination is meaningless unless it leads to a fully decolonized status, and

decolonization cannot take place unless citizens have equal representation, in addition to all of the other rights and responsibilities of citizenship. As long as Congress fails to approve options leading to equal citizenship and full political rights, Puerto Rico will not have exercised its right to self-determination.

In order to translate the principle of self-determination into action, Congress must ensure that each option includes full political rights. Anything less will simply perpetuate Puerto Rico's status problem. This means that if Puerto Ricans choose to be United States citizens, Congress must ensure that they have full political rights in the United States government, including the right to vote for representatives to Congress and for the president and vice-president of the United States.

- B. As long as the United States citizens of Puerto Rico do not have full and equal political rights, Puerto Rico's status problem will remain unresolved.

As you are aware, in Puerto Rico there is much debate over whether under the current status (or an "enhanced" version of it), the U.S. citizenship of Puerto Ricans is (or would be) constitutionally guaranteed. There is ample evidence that only by becoming a state will Puerto Ricans acquire U.S. citizenship that is guaranteed by the Fourteenth Amendment.² However, this disagreement, while extremely important, neglects to address an equally important concern about citizenship: namely, that U.S. citizenship must not only be "guaranteed," but equal.

It beyond dispute that only by becoming a state will Puerto Rico attain full and equal representation in Congress and the ability to vote in presidential and vice-presidential elections. If Puerto Ricans wish to retain their U.S. citizenship, only statehood will ensure that this citizenship is equal. In contrast, even the most idealized versions of commonwealth status would deny full political rights to U.S. citizens living in Puerto Rico (just as the current status does). Even under the most elaborate enhancements, commonwealth status would allow the United States to exercise sovereignty over U.S. citizens who would in turn be denied the right to elect representatives in that government.

We believe the people of Puerto Rico have the right to choose whether they wish to remain U.S. citizens. However, if they so choose, we reject the notion that unequal citizenship, whether guaranteed or not, will fulfill the goals of self-determination. On the contrary: unequal U.S. citizenship will simply perpetuate Puerto Rico's unequal status. Therefore Congress must ensure that any solution to Puerto Rico's status problem includes full political rights.

III. Over 95% of Puerto Ricans have repeatedly voted to keep their U.S. citizenship. At the same time, the people of Puerto Rico have a strong cultural identity, reflected in polls showing that 91% say they feel "Puerto Rican first." This means simply that Puerto Ricans do not think of their U.S. citizenship and their cultural heritage as mutually exclusive. This understanding of citizenship is consistent with the ideals on which this nation was founded. The United States should not make giving up one's culture a pre-condition of equal citizenship, with all of its rights and responsibilities. Puerto Ricans should not have to give up being Puerto Rican in order to have equal representation in the bodies that govern them, any more than Hawaiians, Texans, or any of our fellow citizens on the mainland should have to do so.

It has been argued that because an overwhelming majority of Puerto Ricans consider themselves "Puerto Rican first," the island ought not to be admitted into the Union as a state. This rhetoric may be politically effective, but it is substantively meaningless. There are a number of ways to interpret this wholly unscientific statistic, and not one of them brings any of us any closer to a resolution of the status problem.

Is the question one of fact? As a matter of fact, the question whether one considers oneself "Puerto Rican first" has an obvious answer: Puerto Ricans are factually Puerto Rican first because the United States has not permitted them to be fully integrated into the economic, social, and political system of the United States on the basis of equality. To say that one is "Puerto Rican first" is simply to express a reality imposed on Puerto Ricans—that we are not yet equal members of the American family, even though we cannot be (and do not want to be) completely ignored or cast out.

Is the question one of sentiment? As a matter of sentiment, it is hardly surprising that the residents of a territory that has been denied equal representation in the

² See, e.g., Congressional Research Service, *Discretion of Congress Respecting Citizenship Status of Puerto Ricans*, March 9, 1989; Congressional Research Service, *Questions in re Citizenship Status of Puerto Ricans*, November 15, 1990 (responding to challenges to the 1989 memorandum).

federal government feel "Puerto Rican first." Many will undoubtedly feel "Puerto Rican first" until we are treated like Americans. This will only happen when Congress takes concrete action to put an end to our territorial status. As long as Congress does not rule out second-class citizenship for Puerto Ricans, the conditions remain in place to ensure that Puerto Ricans consider themselves Puerto Rican first.

Regardless of how one interprets it, the "Puerto Rican first" rhetoric does not change the fact that over 95% of the people of Puerto Rico have repeatedly voted to keep their U.S. citizenship. That choice compels Congress to address the important and substantive question of what constitutes equal citizenship. Congress cannot learn anything useful from asking Puerto Ricans how they feel, without addressing the root causes of how they feel. If Puerto Ricans claim to feel Puerto Rican first, and simultaneously say they want to remain U.S. citizens, the question Congress must ask is: how ought the American government to treat its citizens in order to ensure that they feel American? Treating them as inhabitants of a territory is not the answer. Postponing a valid resolution to the status problem is not the answer. Only by clearly expressing its commitment to act promptly and decisively to ensure Puerto Ricans have equal citizenship can Congress ensure that Puerto Ricans will feel American too.

In the meantime, the rhetoric of being "Puerto Rican first" poses a vapid and divisive choice. Puerto Ricans rightly refuse to sacrifice their cultural identity in order to keep their U.S. citizenship. Consistent with the Constitution and laws of the United States, and with the fundamental principles on which this nation was founded, Puerto Ricans believe that U.S. citizenship can and must coincide with cultural difference. The vision of Puerto Ricans who insist that they can be both Puerto Rican and U.S. citizens at the same time embodies the ideals of federalism and equality enshrined in our Constitution. To suggest otherwise undermines the principle of equality for all under the law.

CONCLUSION

The process of Puerto Rico's self-determination is at an impasse: Congress refuses to take action on Puerto Rico's status until the people of Puerto Rico express their wishes, but the people of Puerto Rico refuse to express their wishes (again) until Congress takes action. Only Congress has the ability to put an end to this impasse—not because Puerto Rico is unwilling, but because the people of Puerto Rico have already done all they can do to move this process forward: They have expressed their wishes twice (in 1967 and 1993), and have not received an official congressional response to their choice. Most recently (in 1998), they sent a clear message: It is unreasonable to expect the people of Puerto Rico to engage in yet another futile expression of their wishes until Congress offers them congressionally authorized status options. The people of Puerto Rico do not need another opinion poll on status. They need a fair and effective process of self-determination—a real vote with real consequences—a vote offering only valid status options, and only options leading to full decolonization. Only Congress can provide this.

Puerto Rico cannot act unilaterally to resolve its status dilemma, but the people of Puerto Rico have done their part, making clear their desire to put an end to the status quo. Now Congress must do its part. Congress can act unilaterally to resolve this question, but has stated its commendable and entirely appropriate policy of solving the status problem based on valid options approved by a majority vote in Puerto Rico. Yet Congress has thus far failed to implement this policy, by failing to sponsor a status plebiscite with valid options, or even to define the options for a vote under local law. Congressional deferral has left Puerto Rico's process of self-determination in a state of arrest legally and politically. The Citizens' Educational Foundation therefore respectfully urges Congress to take action, for the first time since 1952, to afford the U.S. citizens of Puerto Rico an opportunity to take a real step forward in the process of informed self-determination leading to complete decolonization.

STATEMENT OF GEORGE RODRIGUEZ-ESPADA, CHIEF COUNSEL, GEORGIAN FOR PUERTO RICO SELF-DETERMINATION, ATLANTA, GA

Chairman Frank H. Murkowski, Distinguished Members of the Committee: It is an honor and pleasure to submit written testimony on behalf of Georgians for Puerto Rico Self-Determination, an Atlanta, Georgia based organization. Atlanta, Georgia, home of President Jimmy Carter, Ambassador Andrew Young, Atlanta Braves Hank Aaron, Martin Luther King, the Atlanta Braves, the Atlanta Hawks, the 1996 Olympics, Coca Cola, World Heavyweight Champion Evander Holyfield, Actress Julia Roberts, Speaker of the House Newt Gingrich, and Senator Paul Coverdell.

Gentlemen and Gentleladies Salutations! from the Great State of Georgia, my name is George Rodriguez-Espada. I am Chief Counsel of Georgians for Puerto Rico Self-Determination, a community-based, home grown organization from the South-east of the United States. Our committee's main focus is to encourage a legislative action by Congress and provide an opportunity for the self-determination of Puerto Rico and its people.

UNANIMOUS CONSENT ACTION

Our Committee wishes to testify on the "Unanimous Consent Action" that created a non-binding resolution resulting in the outcome of the December, 1998 Plebiscite vote in Puerto Rico. It is our opinion that this congressional legislative action provided and encouraged some of the results and unfortunate confusion on the Plebiscite issue. We are dismayed by the adoption of this action to hold a non-binding resolution on December 5, 1999 in Puerto Rico. The action reflects an anemic attempt in the planning of the event and a failure of a process which lacked vision and leadership at a time where both were necessary thereby putting an incredible amount of undue pressure on the Puerto Rican Government and it's people. My God! . . . a non-binding resolution? It boggles the mind.

LEGISLATIVE LEADERSHIP

Our Committee expresses its concern for the lack of legislative leadership and ownership on the issue of Puerto Rico's political status. Let us remember that when the United States Government decided for the Puerto Rican people in declaring a Commonwealth Government no one asked the Puerto Rican people for their input and advice. Therefore, it is imperative that this mistake does occur again and instead that the proud history of the United States of America is maintained. We need the United States Government and it's leadership to step up to the plate and deliver the required direction and support to successfully resolve the political status of Puerto Rico. We ask no more or no less than any other State of the Union who had to demonstrate their will for "Self-Determination", plebiscites have come and gone, territories have justifiably become States in some instances with minimal effort and a minimal approval standards, so why is the Commonwealth of Puerto Rico being held to a higher standard?

We recommend that our government act prudently, and decisively on the political status of Puerto Rico and "do the right thing", demonstrate to the world, to the United Nations, that it is responsible for the protection of "human rights and liberties" within their democracy and demonstrate the appropriate levels of justice by a Government who is viewed by the World as a "leader". We suggest that Puerto Ricans desire the same liberties, freedoms, human rights, and guarantees under the Constitution and with the high quality of life available as a result of providing and guaranteeing the appropriate governmental structure for a modern Puerto Rico. After all Puerto Rico has been an ally and friend to the United States of America for more than a century. Unfortunately in 1998 we celebrated this historic event in our relationship with the United States of America under a vague "Commonwealth" government arrangement. The challenge ahead for the U.S. Congress and it's government is one of providing leadership, a plebiscite process that is clear, with built-in success factors, and a vision toward a final political resolution of Puerto Rico. American History Gentlemen and Gentleladies is on your side!

POLITICAL PARTIES IN PUERTO RICO

Our Committee does not want comment on the political parties in Puerto Rico since it is obvious to us that your Committee Members are fully aware of the differences between the (PNP) New Progressive Party; the (PDP) Popular Democratic Party and the (PIP) Puerto Rican Independence Party.

MAINLAND PUERTO RICANS

As a mainland Puerto Rican of Spanish heritage I would like to offer my view of the world in mainland USA according to George Rodriguez-Espada. I was born of Spanish and Puerto Rican parents. I arrived in this country at age 4 and speaking one language, Spanish, like most migrant families we lived in the poorest areas of New York City and attended the poorest schools in the New York School System. The son of a single head of house, and a younger sister we survived in this great metropolis called New York City. Like most Puerto Rican families that come to mainland USA, our welcome was confusing, difficult and painful. Total immersion into the English language was the order of the day, and I still do not recall when it all changed for me. I was lost in a world who treated me differently and yet I

did not understand that the true meaning of being Puerto Rican in America. I did not understand why people in America could not pronounce my name correctly. I now believe that I could spell and pronounce my name in at least 5 different ways. My medical record was a mess and it further added to the feeling of alienation in my new home, the USA.

Here I was with people who could not communicate with me in my own language, demanding that I change and assimilate. I now understand after decades of coming to that place called reality that I began to understand that I was a victim of a fatal disease called "the political status of Puerto Rico . . . Commonwealth", a second class citizen of a country that referred to me as an American, a U.S. citizen and yet did not honor or respect my people's accomplishments. I was made to feel different, unwanted, unappreciated and lost, mostly lost! I am sharing this story of my life with this committee so that you may comprehend first hand the dilemma I faced everyday of my life in this country. Puerto Rico is my real home, and I feel it's pain, I feel a connection to the land and it's beautiful people, a kind and compassionate people. So I feel compelled to invest my time, energy and my words to the testimony at hand in order to express my feelings that it does matter to me what happens to Puerto Rico and it's people and that my views, concerns and opinions do matter even though I am a "Mainland Puerto Rican". No matter what the final conclusion or the resolution of the political status of Puerto Rico, all Puerto Ricans will feel the effects of the outcome of this issue, this is not just about Puerto Ricans in Puerto Rico, but also about Puerto Ricans on the mainland. Our Committee dreams that someday all Puerto Ricans will be treated and respected as equal and as full partners, as "First Class Citizens" no matter where they choose to live.

THE COST OF THE PLEBISCITES

It is time to reflect and assess on past legislative actions on Puerto Rico, the time consumed in committees, research, marketing, public relations, public affairs, lobbying, the dollars spent, and realize that very little has changed, Puerto Ricans still live in a Commonwealth World, and the U.S. Congress has little to celebrate. We are locked in a dysfunctional political relationship that no one really wants and we are hard pressed to find a lasting resolution to this nagging problem. It's been expensive for a country (Puerto Rico) that needs it scarce resources to respond to the needs of it's people. The price has been too high and the results have been minimal.

It is the opinion of our Committee that a true and equal partnership has to be forged between the United States Government and Puerto Rico, and a resolution needs to be found together! According to the Honorable Governor Rossello of Puerto Rico the December, 1998 Plebiscite results were mostly in favor "None of the Above", a frustrating and unclear selection process evolved and the results are telling indeed.

Ironically, beyond the confusion at hand, according to the Honorable Anibal Acevedo-Vila, President of the Popular Democratic Party (PDP), \$13-\$19 million dollars were spent on the Plebiscite effort in December of 1998. Our Committee again is concerned with the apparent lack of leadership from the U.S. Congress and the cavalier attitude the Congressional Leadership displayed by recommending a "Non-binding Unanimous Consent Resolution" a Plebiscite doomed to failure and a people having to vote for a measure that was not final, with no resolution or conclusion, think about it would you vote?

CONCLUSION

Finally, Senator Murkowski, will your Committee have the "political and legislative will" to provide the necessary leadership to create change and secure a resolution? We think you do! We applaud your efforts, your concern and your evident display of compassion. We thank you and the Distinguished Members of your Committee for the time, patience, cooperation and interest in the Commonwealth of Puerto Rico, and it's people. GRACIAS!!!

STATEMENT OF DR. MIRIAM J. RAMIREZ DE FERRER, PRESIDENT, PUERTO RICANS IN CIVIL ACTION

I would like to thank Chairman Murkowski and the members of the Committee on Energy and Natural Resources for allowing me to include my thoughts on Puerto Rico's December plebiscite in the permanent hearing record. I present my statement on behalf of the members of Puerto Ricans in Civil Action, a non-profit, non-partisan civic organization I founded in 1984. For over a decade, we have worked to-

ward a congressionally sanctioned self-determination process for Puerto Rico and delivered 350,000 individually signed petitions for statehood to the Capitol.

While I am thankful for the opportunity to submit my testimony, I must also express some concern that only leaders of Puerto Rico's three leading political parties were invited as witnesses before the committee. The same fractious party system that serves to confuse and prolong the island's status debate cannot be expected to give clarity to the muddled results of our most recent referendum. While no one ever expected a quick and easy resolution to what is already a century-old debate, perhaps nothing has impeded the island's quest for self-determination more than local political maneuverings and the consequent manipulation of the debate and the real issues at hand.

The confusion wrought by local party politics has led to heated debate in previous House and Senate hearings over who holds the burden of finally resolving Puerto Rico's century-old status dilemma. Many members have expressed frustration that the people of Puerto Rico are continually urging Congress to act on the issue when they believe that the initial responsibility should rest with the residents of Puerto Rico themselves.

Puerto Rico's 3.8 million U.S. citizens have taken that responsibility seriously. In fact, last session's self-determination legislation (H.R. 856/S. 472) was introduced not only due to the petitions but as reaction to the 1993 island-sanctioned status referendum. Puerto Rico did take the first step with this referendum, but when island leaders presented the results to Congress, the relevant subcommittees of the House Resources and International Relations Committees found the status options as defined to be constitutionally unacceptable.

The definition the committees found objectionable was that of commonwealth. The pro-commonwealth (PDP) definition was far from a reflection of the status quo. It described a bilateral pact between the U.S. and Puerto Rico that provided permanent, constitutionally guaranteed U.S. citizenship, full funding in Federal programs, continued exemption from Federal income taxes, the ability to make treaties with foreign nations, veto power over Federal laws and more. In short, it is the same "pie in the sky" formula which the PDP campaigned on leading up to the December plebiscite.

The PDP was able to once again confuse the issue in the absence of final Senate action on S. 472 last year. Despite the fact that the measure passed in the House, and that the Puerto Rico legislature mirrored the House definition of commonwealth in the December referendum ballot, the PDP was able to convince the voters that somehow—under commonwealth—the people of Puerto Rico could achieve more. In the absence of definitive action and clarification of the status options by Congress, what was to prevent the voters from clinging to the notion that they could have the best of statehood, separate sovereignty and commonwealth—all with very few responsibilities?

All party rhetoric aside, the voters clearly rejected the status quo in December. Puerto Rico's voters had the opportunity to vote for maintaining a relationship with the U.S. as a territory subject to the Territorial Clause of the Constitution, in which U.S. citizenship is statutory (as provided under the Jones Act). I challenge any member of this committee to tell me that the tenets of this definition are not consistent with the foundation of the U.S.-Puerto Rico relationship. The ballot option—a clear reflection of the status quo—mustered .01% of the vote. In an island-wide vote with over 70% turnout, it is safe to say that the status quo no longer has any popular support.

Although some would like us to believe otherwise, the "none of the above" vote cannot be accepted as an endorsement of the status quo when the reality of the current commonwealth arrangement was clearly presented on the ballot and soundly rejected. For those who may counter that the commonwealth ballot definition was somehow skewed in the December vote, I ask that you read it. My interpretation of it was taken directly from the text. It is nothing more than a concise, straightforward definition of the island's territorial status.

Further, for any political party to claim ownership of a "none of the above" column is simply ludicrous. It stands for nothing. It must be understood that almost everyone in Puerto Rico votes in an island-wide election. This is one way in which we truly do differ from our counterparts on the mainland. As such, everyone wants to vote for something. Those waging protest votes, those truly confused by a ballot with five status options, and those undecided voters would also be lumped in to this "catch-all" category.

Of the viable status options, statehood did garner the most support with 46.5%. However, I do not pretend to expect that such a figure would result in a petition for statehood. I recognize that this plebiscite was only another stop on our long road to true self-determination. What I do expect is that the confused results of yet an-

other flawed island-run plebiscite will make it clear to our friends in both chambers that true self-determination will only exist if Congress officially sets the parameters for each viable status option. As long as the local political rhetoric on the island goes unchecked, our efforts to secure a free and fair process are in vain.

As much as it is a worthwhile exercise to examine the results of the December referendum, it is equally important to discuss why the legislature and political parties of Puerto Rico were left to their own devices once again in conducting this plebiscite. It would be naive not to recognize that any legislation regarding Puerto Rico's status is bound to be controversial. Those both in and out of Congress who waged a tireless effort to kill the Puerto Rico status bill last session justified their opposition by pointing to the potential dangers and pitfalls of a Puerto Rican state. Addressing the basic question of whether nearly 4 million disenfranchised U.S. citizens deserve a free and fair self-determination process did not seem to be a concern.

The issue of cost always enters the discussion when considering the possibility that the island might eventually opt for statehood. Many argue against bringing in a state that would replace Mississippi as the poorest in the union. While I would first argue that this should be discussed when considering a Puerto Rico statehood petition and not as a tool to deny American citizens the right to self-determination, I find it odd that current costs are seldom discussed (i.e. the costs of commonwealth). Self-determination opponents are so focused on the idea of "bringing us in" as if we are a separate nation, that they fail to recognize that Puerto Rico is "in"—that we have been part of the United States for over a century. In fact, we are so much a part of this nation today that current Federal outlays to Puerto Rico average \$10 billion annually.

The fact that we are pouring billions upon billions of taxpayer dollars annually into an economy that many in Congress argue would be too much of a burden to fully bring into the system seems to be an inappropriate and perhaps irresponsible use of funds. If Puerto Rico's economy is that unattractive and burdensome, why not do something to help the situation rather than continuing to throw money at it?

In debating the status issue, no one ever seems to ask why the Puerto Rican economy is so far behind that of the states or how to begin to ameliorate the island's economic problems—instead, a struggling economy is used as a tool to block self-determination. For those who have taken the time to study Puerto Rico's economy, the answers are fairly clear. The current commonwealth system, which initially sparked growth in the 1950's, has outlived its usefulness. The investment climate in Puerto Rico suffers as a result of the island's continued political uncertainty. This is not only true of capital coming into Puerto Rico, but we have a serious problem with capital flight as those on the island with money to invest seek more stable markets on the mainland and internationally.

In addition to capital flight, the island faces the reality of the flight of our younger, college-educated classes. In my own personal experience, I have lost my four children because of the constraints of the island's economy. Two of my children are engineers and have pursued careers on the mainland, and my other two children are pursuing their higher education outside of Puerto Rico. My family is not the exception. Families are being fractured daily as a result of the poor job market on the island.

While every state's economy has its problems, clearly the most detrimental of Puerto Rico's economic woes are symptoms of an antiquated and limiting political system that is allowed to exist in perpetuity under the U.S. flag. The Commonwealth sanctioned by this Congress is serving neither the people of Puerto Rico nor this government. We suffer as a result of the unstable investment climate and burdensome tax structure and the U.S. Treasury and every American taxpayer suffers as billions of Federal dollars flow into a broken economic system with no end in sight. Continued Congressional inaction only perpetuates this black hole of U.S. tax dollars.

What is even more troubling to me than seeing the economic effects of commonwealth being used to justify this stalemate is to see how this debate is being used by anti-Hispanic xenophobes to breed intolerance. In newspapers throughout the country, in direct mail pieces and on web-sites, there is a vast yet organized movement to stop Puerto Rico's self-determination process. Puerto Ricans are portrayed as culturally and ethnically "different" than mainland Americans and we are therefore seen as a serious threat to American culture should we ever become a state. Despite the fact that English and Spanish remain the island's two official languages, the language issue is often used to fuel the fire; but the hatred promoted by these forces runs deeper than language. (See enclosed example of such mailings)*

* Enclosures have been retained in committee files.

Puerto Rican statehood is presented as a poison to the American cultural fabric. The propaganda is driven by ethnic and racial intolerance and is often chilling to read. I need not remind anyone of the evils and consequences of perpetuating racial and ethnic hatreds, but when I watched in horror the recent coverage of the massacre at Columbine High School, I could not help but think that we are losing our children in our own rhetoric. The children are listening. Whether the propaganda is targeted at Puerto Ricans or African Americans or Jews or any other group, the message is the same: those who are different are a threat to you. In Columbine, such perverted thinking led to the brutal murder of 12 children and one teacher.

We can continue to argue about whether it is the effect of video games, violent movies or the Internet that is sending these messages to our children. However, when intolerance is displayed as clearly as it has been regarding the 3.8 million U.S. citizens (albeit Hispanic citizens) of Puerto Rico in mainstream media as well as the floor of the U.S. House of Representatives, the time has come to say enough is enough. Regardless of where the self-determination debate is headed, it is my hope that it will focus on the merits of the issue—whether or not nearly 4 million Americans can finally determine their political destiny fairly—rather than on the distortions of island politics or malicious ethnic stereotypes.

While much focus was placed on passing last session's self-determination bills (H.R. 856/S. 472) to coincide with the centennial of the U.S. acquisition of Puerto Rico from Spain, I hope that Congress will not make the mistake of abandoning this issue before achieving a final resolution. There is the impression both in Puerto Rico and among the mainland press that Puerto Rico had its day before Congress and failed to make a compelling case for a congressionally sanctioned self-determination process. Whatever the next steps may be, I am confident that members of this committee realize that commonwealth was never intended to be a permanent solution for Puerto Rico. Someday soon the economic and political costs of commonwealth will make this issue as much a priority for Congress as it is for 3.8 million of its citizens in Puerto Rico.

In fact, that time may come sooner than many anticipated. The tragic death of a 35-year-old civilian security guard in Vieques recently could permanently impact the tone and pace of the status debate. David Sanes Rodriguez was killed on April 19, when a U.S. Marine F/A-18 pilot missed his target by more than three miles during a training exercise. The Puerto Rican island of Vieques—with a civilian population of 9,500—comprises a portion of the Navy's Atlantic Fleet Weapons Training Facility and is known as a top spot for training U.S. and allied forces in real combat exercises using live ammunition. It is the largest area in the hemisphere for U.S. military exercises with live ammunition and the only place where bombing occurs near a significant civilian population. The Navy owns 22,000 of the island's 33,000 acres.

While the people of Vieques have long been concerned for the safety of their homes and families in light of the level of military activity taking place on the small island, concern has turned into outrage—outrage that is no longer confined to Vieques. While island residents are coping with this tragic death, they have been plagued by the question of how this could happen. No state in the union would tolerate such intense, high-level military training so dangerously close to a civilian population.

Why, then, is it happening in Puerto Rico? First and foremost, we have no voice on the Federal level, and this tragedy is allowing our residents to see first-hand what a serious problem that is. Secondly, many in the military would argue that the strategic location and geography of the region makes Vieques an ideal training ground for live ammunition training—an exercise which I seriously doubt the U.S. Armed Forces will abandon. In other words, Uncle Sam needs us. Uncle Sam also needed the U.S. citizens of Puerto Rico in every American conflict since World War I. We in Puerto Rico have not shied away from the obligations that the American flag flying over our island carries with it. What we cannot understand is why after 100 years of U.S. rule we are not afforded the same respect as every other U.S. citizen.

It has been reported that the F/A-18 pilot was training for an undisclosed assignment in September. I could not help but wonder if he would be flying over Yugoslavia to help secure the freedom and liberty of the displaced Kosovars. The United States has nobly and justly defended its principles overseas and taken on the enormous responsibility of bringing stability and democracy to troubled regions across the globe.

Closer to home, the tide is turning in Puerto Rico. We have served this nation valiantly for over a century, and cherish our U.S. citizenship. All we ask is for our government to bring the same level of commitment to democratic ideals that we uphold around the world to our own shores.

STATEMENT OF LAWRENCE E. DUFFY, SAN JUAN, PR

After the recent political status referendum in Puerto Rico, the president was quoted as indicating the time had come for clarification of the choices. It was the appropriate response. Nothing new needs to be discovered. What is already known just needs to be clarified. The referendum produced an important result, but, has been the subject of no more than the usual misinterpretations and misunderstandings with one side insisting the glass is half full and the other insisting it is half empty and now one group insisting there is nothing in the glass at all. In particular, the editorializing of the national media lacks sufficient knowledge and understanding to be a source of wisdom concerning this very important matter.

What needs clarification more than anything else is that the decision of the Americans of Puerto Rico on their future political status was made a long time ago and statehood won, overwhelmingly. It may not seem that way on the surface, but, it is true. The answer is in the hearts and minds of the people. It has not been expressed simply because the right question has not been asked. Almost everyone in Puerto Rico believes, given the choice between statehood and independence, statehood would win, overwhelmingly.

There has been much controversy over the meaning of the recent so-called plebiscite. The only thing that can be said of it is that when asked to express themselves on choices including vague and doubtful alternatives the largest group of voters here preferred to register a vote of abstention.

What does not need any further clarification is that the proposed status options other than continued territorial status, statehood or independence, are not acceptable under the Constitution and are not acceptable to the American people including the non-abstaining Puerto Rican Americans who recently rejected such alternatives, also overwhelmingly. What is also clear is that permanent territorial status is unacceptable to all of the American people, here and in the Union. That leaves only two choices for the future.

It has been repeatedly made clear in congressional hearings that the proposals for some form of permanently enhanced commonwealth, a "new" compact or free association have one thing in common; they limit the sovereignty of the United States under the Territorial Clause, are otherwise unconstitutional and, worst of all, they are inimical to the integrity of the Union. Such alternatives as espoused by some erudite commentators and political theorists may appear to be interesting and even attractive to some people, but, when the fundamental concept of sovereignty is at stake, the great majority of the Americans of the Union have a clear sense of what is acceptable to them and what is not. Once this is understood, it will be very clear that, as a matter of political reality, as well as constitutionality, if the current territorial status of Puerto Rico is unacceptable as a permanent status, the only two alternatives politically and constitutionally acceptable to the Americans of the Union are statehood or independence. The United States is either sovereign or it is not. Thus, the appropriate question to be asked of the Americans of Puerto Rico is simply:

"Assuming permanent territorial status is unacceptable, which of the two constitutional alternatives acceptable to the Americans of the Union do you choose, statehood or independence?"

Of course, if you include continuation of the current territorial status as a choice for the future, it will probably continue to garner the plurality because fear, doubt and the unknown will always move people to be conservative and avoid change. However, if and when confronted with the proper choice, the truth of what the Americans of Puerto Rico have already decided will become very apparent. It should be done because it is not in the best interests of the United States to have repeated, theoretic, quasi-official opinion polls in which vaguely defined, unrealistic and impossible choices are included resulting in ambivalent results which are interpreted by the entire world as a rejection of the United States and what it stands for by a group of its own citizens.

Including alternatives that are clearly unacceptable and unrealistic deprives the process of the character of a true plebiscite or even of being a valid referendum. It is no more than an opinion poll full of smoke and mirrors, signifying nothing. A true plebiscite or referendum are elections out of which specific action comes. It is only when such is possible that the electors will make true choices because they know there will be practical consequences. A good example of this was the action of the Congress in 1917 when legislation was passed to allow the people to become or not become American citizens. When faced with a true, practical choice, with known consequences, a handful opted out; the remainder accepted the consequences.

The entire premise upon which the matter has been raised with the Congress and the President is that the current territorial status is unacceptable, not only to the

statehooders and the separatists, but also to the commonwealthers, as was confirmed, overwhelmingly, in the recent so-called plebiscite. Therefore, there is no longer any need to include it in any referendum on the future. Choices that have no future do not belong in a referendum to decide which way to go. There also is no longer any need to include new proposals because there are none.

One may ask why the current administration and the Congress continue to accept inclusion of alternatives politically unacceptable and unacceptable under the Constitution and which have been rejected for those reasons by every federal agency that has addressed the matter. The answer seems to be that democracy requires the inclusion of a point of view which has a substantial constituency on the island, a position pressed on Washington by the leaders of all three of the main political parties in Puerto Rico. This presumes that what is constitutionally unacceptable must be included because it is politically necessary. This is political misjudgment.

There is nothing wrong with considering proposals for innovative political possibilities in the forum of political debate. However, with respect to Puerto Rico, alternatives to the current status, statehood or independence have been listened to and debated extensively and found to be unacceptable within the American Union. In essence, they are proposals to reintroduce the concept of a confederate state of the union, an incredible idea, but not one likely to meet with acceptance by the Americans of the Union after having fought a civil war to resolve the issue. Therefore, these proposals have no place in a political election to decide the question.

The fundamental question of the nature of the United States, whether confederation or union, was decided democratically with the adoption of the Constitution. The challenge to the Union was not decided democratically, but, by a bloody civil war. It is utterly dumbfounding to observe the political leadership of the United States, under the guise of being respectful of democratic principles, continue grossly to mislead the Americans of Puerto Rico and the Union by intimating totally unacceptable political alternatives are possible by accepting them as ballot alternatives in a referendum on the question. The late historian, Gordon Lewis, in his book on Puerto Rico, (*Freedom and Power in the Caribbean*), considered the proposals of the commonwealthers to be the greatest threat to the American concept of federalism since the debates on nullification in the first half of the last century. It is not because it constitutes an external threat, but, rather an internal corruption of political understanding by the country's representatives in Washington, D.C. The greatest threat to the Union today would be the failure of political leaders in Washington to understand the history of their country and to reopen the debate on confederation.

At this juncture, it should be clear to all that if the continuation of the territorial status quo is unacceptable, there are only two constitutionally acceptable alternatives which are also politically acceptable to the Americans of the Union; statehood or independence. To those who choose to say they make no choice, there is only one response; they must. In their hearts and minds, they already have.

Once these political realities are made clear, the final clarification will reveal itself; that the only true question has already been resolved overwhelmingly in favor of statehood. Everyone in Puerto Rico has already made that choice and knows that, if the choice is properly presented to them, statehood would carry the day by an overwhelming majority. The ultimate and only important question has already been answered; the right question has not yet been asked.

It bears repeating: The problem is not with the people of Puerto Rico making up their minds. They already have. The problem is with the political leadership in Washington failing to make clear what the only true alternatives are. The Young bill did that originally, but, then fell victim to the pressure to give up the principles to which it should have held fast. Once it is made clear the political and constitutional reality is that statehood and independence are the only alternatives to territorial status, the matter will be clarified.

In the words of the poet, E.E. Cummings: "Always the beautiful answer who asks a more beautiful question."

STATEMENT OF JUAN M. GARCIA-PASSALACQUA, PRESIDENTE, ANALISIS INCORPORADO, RIO PIEDRAS, PR

Dear Mr. Chairman Murkowski: Since you have convened a meeting under S.R. 279 of 1998 to consider the results of the December 13, 1998 plebiscite in Puerto Rico, in my capacity as the senior political analyst and constitutional lawyer in Puerto Rico, I come before you to file my interpretation of that event (that appeared in *Current History*, March 1999, page 144) and to call to the attention of this Committee on Energy, one key issue, the national question.

That issue derives from the fact the 50.2% of the people of Puerto Rico rejected unincorporated status, free association, independence and statehood, all, in the December 13, 1998 vote. To interpret those results of that vote, one must depart from the electoral facts, the will of the people. Let us examine them. I have included Tables I, II and III: one on pre-vote polls, one on electoral behavior in the 1993 and 1998 plebiscites, and the only professional exit-poll conducted after the vote.

During the six week campaign, the newspapers published the following polls in successive weeks, on the plebiscite vote:

Table 1.—POLLING TRENDS DURING PLEBISCITE CAMPAIGN

Ballot number formula	#1 Com.	#2 FAS	#3 St.	#4 Ind.	n/a	Und.
Gallup/El Mundo (Oct. 15-30)	41	4	34	7	—	10
Kaagan/Nuevo Dia (Oct. 20-31)	22	1	30	3	14	30
Gallup/El Mundo (Oct. 15-Nov. 9)	29	3	37	7	8	11
Gallup/El Mundo (Nov. 11-30)	24	3	35	3	12	23
Precision/Star (Nov. 7-Nov. 17)	3	7	38	3	33	15
Kaagan/Nuevo Dia (Nov. 28-Dec. 1)	3	1	39	2	29	26
Precision/Star (Dec. 1-7)	1	3	49	2	45	0
Kaagan/Nuevo Dia (Dec. 5-8)	2	1	45	4	48	0

What these polls showed were six definitive trends:

1. The dropping voters support for commonwealth's territorial condition to the undecided, and their transfer, when the PDP hierarchy so opted, for none-of-the-above;

2. The initial strong support for statehood by only one-third of the electorate and its increase to slightly less than half of it in the last two weeks of the campaign;

3. The rapid increase of the none-of-the-above option in the last four weeks of the campaign to almost half of the electorate;

4. A slim majority for #1, #2, #3, and #4 over none-of-the-above before the actual vote;

5. The plurality for commonwealth of 48% in the 1993 vote had not split as expected between territorial status and free association, but went solidly to none-of-the-above;

6. In the last two weeks, the undecided split in a 2-1 proportion in favor of none-of-the-above over statehood.

Table II.—COMPARATIVE RESULTS IN BELLWEATHER ELECTORAL UNITS

(Figure on top is for the 1993 plebiscite, lower for 1998)

Precinct	#1	#2	#3	#4	#5	Voters
San Juan	—	—	401(46.2)	39(4.5)	423(48.7)	868(68.6)
	0	1	327(47.2)	21(0.)	344(49.6)	693
			-74	-18	-79	-175
Cupey	—	—	759(46.4)	44(2.7)	820(50.1)	1637(63.2)
	3	4	632(45.0)	17	745(53.2)	1401
			-127	-27	-75	-236
Aguadilla	—	—	822(46.8)	78(4.4)	854(48.6)	1758(72.6)
	2	2	782(46.3)	47	855(50.6)	1690
			-40	-31	+1	-68
Luquillo	—	—	141(46.5)	3(1.0)	157(51.8)	303(63.3)
	0	1	136(47.7)	2(1.)	146(51.2)	285
			-5	-1	-11	-18
Carolina	—	—	588(46.4)	73(5.8)	603(47.6)	1266(72.1)
	0	2	514(43.7)	29	639(54.)	1184
			-74	-44	+36	-82
Carolina	—	—	645(46.2)	70(5.0)	674(48.3)	1395(73.8)
	1	3	586(45.8)	38(2.9)	682(53.3)	1279
			-79	-32	+8	-116
Trujillo	—	—	205(46.5)	12(2.7)	223(50.6)	441(49.2)
	1	1	155(44.8)	10(2.8)	189(54.6)	346
			-50	-2	-34	-95
Catano	—	—	835(46.9)	72(4.0)	869(48.8)	1781(53.7)
	0	5	748(45.9)	40(2.5)	832(50.5)	1629

Table II.—COMPARATIVE RESULTS IN BELLWEATHER ELECTORAL UNITS—
Continued

(Figure on top is for the 1993 plebiscite, lower for 1998)

Precinct	#1	#2	#3	#4	#5	Voters
			-87	-32	-37	-162

Note: (1—commonwealth; 2—free association; 3—statehood; 4—independence; 5—none of the above).

What these comparative results of 1993 and 1998 show is:

1. Participation in 1998 was considerably lower than in 1993;
2. There were no significant changes in voter's preferences from 1993 to 1998, except for commonwealth voters in 1993 going to none-of-the-above in 1998;
3. There were no significant votes for commonwealth or free association, as defined by the Congress;
4. Voters remained stable among the three political parties, voting for whatever their party told them to vote for;
5. Half of the pro-independence electorate in 1993 did not favor it in 1998, but tended to vote for none of the above;
6. The statehood alternative lost more percentage votes than any other, that ab-stained rather than vote for any other alternative;
7. The results of the plebiscite were absolutely inconclusive;
8. Traditional understandings prevailed over valid definitions.

The reasons for voting for none-of-the-above (according to 600 interviews) were as follows:

Table III.—EXIT POLL ON THE MEANING OF "NONE OF THE ABOVE"

(Precision Research/San Juan Star, January 24, 1999)

Want to Leave Things as They Are	57.8%
Wanted to Defeat Statehood	14.7%
Was Disgusted With the Governor	7.2%
Wanted the Plebiscite Postponed	5.8%
Wanted to Protest the Sale of PRTC	4.3%
Followed RHC's Advice Against Incorporation	4.0%
Other Reasons	7.0%

What these opinions on voting for none of the above show is:

1. There were at least seven different reasons for so voting;
2. Slightly more than half of those so voting are content with the present commonwealth status: 29% of all voters in 1998.

All three factual and statistical sources demonstrate:

First, a move from the four valid alternatives to none-of-the-above, only at the very end of the campaign, with a bare majority for it of 50%;

Second, no change whatsoever in the anti-statehood majority of 54% in the last five years; and

Third, the none-of-the-above vote was composed of various sectors, of which immobility on status ("want to leave things as they are") was a very low 29% minority of all voters.

However, to interpret what that absolute majority against both territoriality and statehood by 54% means, it is essential to understand what those votes were for, what they were due to. This question has also been answered by a proficient study (the first ever), on the issue of culture, politics and identity in Puerto Rico, sponsored by the Annenberg School for Communication (Nancy Morris, "Puerto Rico: Culture, Politics, and Identity", Praeger, Westport, Connecticut, 1995, 205 pages). Its conclusion was simple: "Puerto Ricans have retained an identity that is distinct and separate from their sovereign power". That is so.

That reality that you face, in turn, can only be answered if you address a key constitutional issue: Did Congress in 1900 recognize Puerto Rico as a distinct nation, different from what it did or has done since, in other incorporated or unincorporated territories? The key factor is the national question.

This is very relevant for your present consideration of the status issue. If it did, certain (semiotic/political, and also legal) consequences derive from that historical fact for your deliberations. That constitutional fact is still reproduced every year in the United States Code Annotated. Will the Courts enter into the issue? Or will only

Congress have to act to clarify this key issue for all of us involved? Obviously the second. That is the reason for this long letter, for introduction in the record.

As one of the expert witnesses in your hearing on the issues of sovereignty for Puerto Rico on June 23, 1998, I have noticed in the transcript of your hearing for July 15, 1998 that you referred to your able counsel, Mr. Jim Beirne, the implications of the issue of incorporation for a counsel to counsel consultation. In the spirit of that consultation, I take the liberty of addressing recent key developments and the issue they pose now.

The Court of Appeals for the District of Columbia has ruled in the case of *Alberto Lozada Colon v. Department of State* (98-5179), and the case is on the way to the Supreme Court of the United States. It has momentous implications for the issue under consideration by your counsel and your Committee under S.R. 279. The technical issue is simple: can the Secretary of State deny a Certificate of Loss of Nationality to a Puerto Rican who renounced his American citizenship in the Dominican Republic?

The political question is broader: has Congress recognized the existence of an ethnological Puerto Rican nation? Or will it?

The political issue goes to the core of the implications of incorporation. Which is our "country of nationality"? Under American law? International law? Or is it a "political" question?

The issue goes back to how one acquires American citizenship in Puerto Rico. By being born here? Or by Congressional statute? Would the renouncer become a "citizen and national" of Puerto Rico? Or a "stateless person"? Does the Department of State have a position on the existence of a Puerto Rican nationality? A national would have the right to reside in his country. An American citizen has a right to reside only in the United States.

The issue is: is there a Puerto Rican "nation"?

The State Department, after revoking itself, argues (with the eternal inconsistency of 100 years) that for the purposes of the Immigration and Naturalization Act, Puerto Rico is "part" of the United States, even if since 1922 the Supreme Court of the United States has said that for other purposes, it is not.

Here we get to the (semiotic and legal) crux of the matter: what is the effect of unincorporation under Section 7 of the Foraker Act of 1900, that referred to "a body politic" under the capitalized name of "The People of Puerto Rico"?

Some say it "recognized" us. Others say we were only "designated". What did Congress do in 1900? Some say it if "constituted" us. Others say it "labeled" an existing body politic, or if it was new, Congress did not acknowledge a Puerto Rican nationality, but only "inhabitants" in an unincorporated territory. But . . . no such recognition has been made by Congress to any other territory in 100 years. Which "nationality" did Congress designate or recognize to the Puerto Ricans by birth in Puerto Rico in 1900? Certainly not American, that much is clear from the text of the Foraker Act of 1900. Our first nationality under the American flag was Puerto Rican. Does it survive?

What did Congress do in the Jones Act of 1917 when it granted American citizenship by statute but did not repeal Section 7 of the Foraker Act of 1900? What did Congress do in P.L. 600 and 447 in 1950, when it left intact the provisions on the issue from both 1900 and 1917? Does Congress, today, recognize the existence of a Puerto Rican ethnic (recognizably not political) nation? Inhabiting an unincorporated territory? That is a question that Congress, since the Circuit Court did not decide, will not be able to avoid. Even if I know your counsel is following this closely, one must emphasize it to be able to interpret the anti-statehood results of 1993 and 1998.

What was the significance of 1898? 1900? 1917? 1950? What is Puerto Rico now? Obviously an unincorporated territory. But what are the Puerto Ricans now? It is a completely different question. One in which more counsel to counsel consultation is necessary.

What significance, if any, does the recent decision of the Supreme Court of Puerto Rico in the case of Juan Mari Bras have on that second question? Do Puerto Ricans have their own nationality, and as a result, enjoy dual citizenship by judicial fiat? Puerto Rico "belongs to but is not part of" the United States, said the Supreme Court of the United States in 1922 and 1980. Since it is not (everyone agrees) an incorporated territory . . . what are its people? Unclassified after 100 years.

What I believe your counsel to counsel consultations should address in view of this case, is what was the rational basis of Congress when it recognized the ethnological fact of the existence of a nation as a body politic in 1900. To give it juridical expression to this day? Or merely to temporarily provide for the administration of a newly acquired territory? What did Congress intend? What does it intend to say today?

Section 7 of the Foraker Act has never been repealed. In view of the votes of 50.2% of the Puerto Rican electorate on December 13, 1998, it seems clear to this experienced political analyst of 30 years on the job, that the plebiscite results pose that issue squarely, to Congressional responses. Unless you vote to repeal it, you must act in accordance with that legal reality.

The Courts, notwithstanding the case now under consideration are not the place to clarify this. It is, unequivocally, this old professor of constitutional law at our Catholic University tells you, a political question for Congress. The Immigration and Naturalization Act contradicts the rulings of the Supreme Court. If the Circuit Court of Appeals remains silent on it, as it should, it may dump the issue on Congress. Congress then cannot remain, responsibly, silent on the issue. Indeed, in two different footnotes in its brief, the Department of Justice has made that point. Congress must respect or repeal Section 7.

The Department of Justice has taken the position that Section 5 of the Jones Act granting American citizenship "superseded" Section 7 of the Foraker Act recognizing the existence of The People of Puerto Rico. Why then, is section 7 still in the United States Code? Is that what Congress would prefer, now? Only Congress has plenary powers to clarify the issue now: is Puerto Rico the country of birth of all of us?

A renouncer of American citizenship in an incorporated territory could not live in it. But, can he, in an unincorporated one? One that is unincorporated precisely because it is inhabited by a different ethnicity that is not American, as you were so able to detect from Senator Kyl's crucial and pertinent question to many of your witnesses during the last hearings?

Is living in Puerto Rico only an American citizenship right? Or the right of a Puerto Rican ethnological national? A Certificate of Loss of Nationality was issued to Juan Mari Bras and he was permitted to live in Puerto Rico, but then, when others followed him, it was withdrawn. Can Congress permit this confusion for much longer, without clarifying it by new law?

The key ethnological and juridical history is that before acquiring American citizenship, "The People of Puerto Rico" had a citizenship and nationality of their own, recognized by the Foraker Act of 1900 and by the Supreme Court of Puerto Rico in 1909 and again two years ago. No one in the United States intends, I am sure, to exclude Puerto Ricans from our island. How can Congress accommodate the historical reality to that policy?

There is only one solution: to recognize Puerto Rico as an ethnological nation due to its people, customs, habits, language and traditions, which are foreign to those of the American people, as the United States Supreme Court explicitly stated in *Balzac v. Porto Rico*, 258 U.S. 298 at page 311 (in 1922), recognizing that Puerto Rican citizenship had survived the Jones Act of 1917, but lived in an "anomalous" status. Congress has, Mr. Chairman, for the benefit of all, to end that anomaly.

We are not talking about a plebiscite bill. In view of the consideration by the Circuit Court, we are talking about a simple amendment (to reaffirm or delete) to existing law. Better still, a Joint Resolution for the President's signature recognizing the existence of a "national question" regarding Puerto Rico, in all status alternatives. In doing so, Congress should heed the advice of Articles 20-23 of the American Declaration of Rights and Duties of Man and the American Convention of Human Rights, to which it is a signatory. Your Committee cannot avoid this issue.

Congress must revisit Section 7 of the Foraker Act of 1900, 31 Stat.L. 79, 48 U.S.C. secs. 733 and 733a in light of Section 5 and 5a of the Jones Act of 1917, 39 Stat.L. 951 and 44 Stat.L. 1481, 48 U.S.C. 731 (b)-(e), and clarify if, now, it recognizes the existence of a Puerto Rican ethnological nation. If in the affirmative this would expedite the solution of the status issue.

I am willing and able to appear before your staff and Committee in private or in public hearings, and expound of this.

Thank you for your always prompt and kind attention and that of your staff, of my communications to your Committee.

STATEMENT OF NESTOR DUPREY-SALGADO, EXECUTIVE DIRECTOR OF PROELA

My name is Nestor Duprey-Salgado. PROELA is a civic organization that for twenty-two years has advocated in Puerto Rican, federal and international forums for the development of the current political status within the context of a bilateral association. Our president, Mr. Luis Vega-Ramos testified on the last oversight hearing celebrated by this Committee on June 23. I appear before you to elaborate.

In our testimony of last June, we presented a definition of free association entitled "Autonomy in a Treaty of Union." In the course of our oral presentation and the ensuing question and answer period, we had the chance of explaining three of the

main pillars of our proposed sovereign association with the United States: common market, common currency and dual citizenship.

Now, Mr. Chairman, we wish to explain the fourth pillar: a common defense arrangement between the United States and the Free Associated State of Puerto Rico.

COMMON DEFENSE: THE FOURTH PILLAR OF THE U.S.-P.R. RELATIONSHIP

To us, a mutually acceptable and amenable defense and security component is a very desired element of our future relationship with the U.S. It mainly stems from our shared values and goals as United States citizens. American citizenship in exchange for common defense, Mr. Chairman. We—as Puerto Rican nationals who are also U.S. citizens—want to do our part to make both our nations safer for democracy. Here is how it should be included in the Treaty of Union.

1. There is a strategic military interest between true self-determination for Puerto Rico and a common defense arrangement. By providing a fair and inclusive process for non-territorial options and simultaneously giving Puerto Rico the option to have a clearly self-governing autonomous status, Puerto Ricans would be glad to let the U.S. take care of its legitimate defense interests.

2. The main components of the common defense arrangement between the U.S. and Puerto Rico are strategic denial of foreign forces, except for exercises as the U.S. may need and a Status of Forces Agreement (SOFA) in exchange for the present level of funding in a block grant and a U.S. citizenship transmission mechanism for future generations.

3. As it pertains to the U.S. citizenship and transmission rights of Puerto Ricans that is—for us—an important component of the defense arrangement because that would mean that Puerto Ricans who choose to remain U.S. citizens get the international and military protection of that citizenship anywhere in the world. In exchange for that Puerto Ricans who are U.S. citizens would continue to be required to fulfill the same military service obligations as any other U.S. citizen.

4. Puerto Rican sovereignty does not offer any impediment or burden to the structuring of a common defense arrangement. If anything, it helps it, because by voting for our proposal, Puerto Ricans would be democratically agreeing to the defense and security provision included in the Treaty of Union. It would be an exercise in sovereignty to agree with regards to defense rights. The U.S. has already done this before, both with sovereign Free Associated States and republics. There is no reason why it cannot be done again.

5. In developing and negotiating the particulars of the common defense clause of the Treaty of Union between the United States and Puerto Rico, this Committee should take into account two specific and different approaches to obtaining basically the same result: (a) the Defense and Security provisions of the Compacts of Free Association of 1986 (along with its subsidiary agreements) and; (b) the offer that this Committee reported to the full of the Senate as Section 312 of its final marked up version of S. 712 in 1989. Although the Independence Party (PIP) did not accept this as a reasonable compromise in independence, we feel that it is eminently reasonable under a Treaty of Union between Puerto Rico and the U.S.

6. On the matter of deciding if the mutual defense components should be the object of separate and accessory negotiations to be conducted after sovereignty, we do not favor it. As with the whole of the relationship, we wish that in one simultaneous act, Congress relinquishes territorial authority, recognizes sovereignty and adopts an exhaustive and all-encompassing instrument of Free Association.

We want to make clear our parameters for negotiation. Puerto Rico wants a sovereign association with the U.S. based on a common market and currency, dual citizenship and common defense. The U.S. wants to stabilize its relationship with Puerto Rico without weakening its security or its national interests. These are not mutually exclusive objectives. Both can be coherently accommodated in a relationship that empowers Puerto Rican self-sufficiency while we contribute our part to the realization of the common goals of the U.S. and Puerto Rico.

We have appeared before you today, Mr. Chairman to elaborate on the first and fourth pillars of our proposed new Free Associated State. Dual citizenship and common defense go together. American Citizenship assures loyalty. The U.S. citizenship of Puerto Ricans will be the guarantee of our common defense with present level of funding in exchange of present level of forces at the moment of the recognition of Puerto Rican sovereignty. This is our proposal. Thank you.