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FORMER GOVERNOR OF PUERTO RICO
LEGISLATIVE HEARING H.R. 900 AND H.R. 1230

To end our territorial status we need to secure voting rights through an informed act of self-determination, leading to equal rights and obligations as citizens under our national constitution. As some Members of Congress so eloquently explained at the last hearing, it all comes down to voting rights. Either you have them, or you don't.

Many Americans forget that the Constitution itself, originally did not include voting rights as a Constitutional right, which citizens in the states take for granted. It is, after all, citizens in the several states who elect the electors who actually chose the President, and citizens in the several states who elect senators and voting representatives to Congress. Voting rights have been guaranteed and regulated by state law since America became a nation.

Originally, most states allowed only white males over 21 to vote, provided they owned real property with a specified value. White males who had no property were the first to demand and win equal voting rights. Then in 1870, racial discrimination in federal and state voting rights was put to rest by the 15th Amendment. Racial minorities were finally allowed to vote provided they were male and over 21, could pass literacy tests designed to prevent black men from voting, and could afford to pay poll taxes.

It took another 50 years for women to win, in 1920, under the 19th Amendment, the same voting rights given to former male slaves a half century earlier. And it was another 44 years later that the 24th Amendment, ratified in 1964, ended denial of voting rights through the economic discrimination of poll taxes. The 26th Amendment gave the vote to 18 year olds, ending the last vestige of the original franchise, limited to white males over 21 who owned property.

Residents of Puerto Rico are the last large class of completely disenfranchised Americans. Because of the sacrifices of those who went before us, we do not need to defy oppression under the color of law, at the risk of our lives. We do not need to stand in front of tanks, as our contemporaries around the world have had to do, from Tiananmen Square in Beijing, to Red Square in Moscow. All we need to do is summon the courage to choose between real options.

At a time when the U.S. is spending hundreds of billions to try to give Afghanistan and Iraq the democracy which we are denied, we dither over definition of choices that are obvious.

But, we have fallen into a trap. Too many of our people have supported an unacceptable trade-off of so-called special treatment for the territory, in exchange

for our support of the disenfranchised territory called "Commonwealth". Too many of us have embraced a second class citizenship, that other Americans in the states, have given up their lives, to overcome. In exchange for partial income tax exemption, too many American citizens in Puerto Rico, have accepted and tolerated a less than equal status. One that our fellow American citizens in the states have rejected.

We pay billions in federal taxes every year, yet we cling to the myth of fiscal autonomy. The partial exemption from some federal taxes, on some local income, is hardly a smart bargain in exchange for equal voting rights and real political power. If a person sincerely believes in democracy, would he sell his right to vote and to have equal representation? Whoever does so, cannot honestly believe in democracy.

Instead of taxation without representation, we have "no representation without taxation". The President and Congress justify our lack of voting rights and representation, by saying that we shouldn't complain about the fact that we can't vote because we don't have to pay income taxes for the income we earn in Puerto Rico. Yet we pay more local income taxes than most Americans. Our partial tax exemptions come with a price that includes lack of voting rights, lack of representation and lack of right for our people to enjoy equal economic opportunity.

The real tragedy is that we do not have equal rights, but we do have equal sacrifices. Those economically privileged few who thrive under the status quo, seem quite content to preserve their privileges under the current relationship, while our young people are sent off to fight and die, so people in foreign lands can have rights, they and their families are denied back home in the colony.

We should not stand for this discrimination. And, neither should Congress. H.R. 900 provides for a process to at least make status resolution for Puerto Rico possible. It is the least we can do; the least we must do, to honor our brave soldiers and sailors, and to honor ourselves before our children.

H.R. 900 is predicated on these fundamental principles, but accommodates the status quo, by allowing the voters to express their wish for things to remain as they are now.

The H.R. 1230 proposal for a local constitutional convention on status is not a serious proposal, it is a cynical diversionary tactic, a waste of time, and should not be recognized under federal law.

I urge Congress to approve H.R. 900.