Written testimony submitted to the Subcommittee on Insular Affairs of the Committee on Natural Resources; United States House of Representatives

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Chairwoman Christensen: good day to you, as well as to Ranking Member Fortuño and to each of the other members of the Insular Affairs Subcommittee of the House Committee on Natural Resources.

For the record, my name is Pedro Rosselló. I am President of the New Progressive Party of Puerto Rico. From 1993 until 2001, I was Governor of Puerto Rico and I am currently a Senator in the Puerto Rico Legislative Assembly.

I have come here today to express my support for H.R. 900, the *Puerto Rico Democracy Act of 2007*; in so doing, I have likewise come to exercise my right – under the United States Constitution's First Amendment – "to petition the Government for a redress of grievances."

As some of you know – perhaps all too well – my grievances are many; and in that regard, I must acknowledge that I have grown a bit weary of petitioning the Government for a redress of grievances, because I have now been obliged to do it for pretty close to two decades.

Still, others have been doing it for much longer: going back 106 years – that's five generations, Puerto Ricans have been petitioning Congress; and even after 106 years, we have yet to see our principal grievance redressed.

For the record, together with my testimony, I have submitted a chronology of Congressional actions on Puerto Rico's status. The chronology's earliest entries pertain to the 57th Congress, which convened during 1901 and 1902. Its most recent entries pertain to the 109th Congress, which adjourned at the end of 2006.

With respect to this issue, "Congressional actions" may be a misnomer, because no final action on Puerto Rico's status has ever been taken by Congress. Nevertheless, the topic has been broached in no fewer than 66 bills or resolutions on the House side, while the total number of Senate measures filed is 27.

The Constitution empowers the people of the several states to govern

our Nation through elected officials; the people of those states have democratically delegated the task of governance to you and to the other members of the Congress, as well as to our President.

But that same Constitution grants you and the other members of the Congress unilateral power to govern me, along with every other resident of Puerto Rico and every other U.S. territory!

We the People of Puerto Rico and the other territories have absolutely no tangible authority at the federal level – direct or indirect.

Never once, since 1898, has Congress deigned to inquire of the Puerto Rican people whether they are content with this arrangement.

Congress has listened; and Congress has tinkered; and Congress has tried, at times, to be supportive; and Congress has frequently been generous with public monies.

Yet never once, since 1898, has Congress deigned to seek "the consent of the governed": never once has Congress inquired of the Puerto Rican people whether they are satisfied with an arrangement under which Congress ultimately holds all of the cards, and under which Puerto Ricans perennially possess zero votes on how those cards will be played.

The Puerto Rico Democracy Act of 2007 is only a single, small step. If enacted, though, it will be an historic step because it will mark a long-overdue first step – a first step in the direction of converting a colonial empire back into a democratic republic; and let us not forget that the Founders of that democratic republic committed their lives, their fortunes and their sacred honor to a protracted revolution against the inherent inequities of colonial empire.

It has been alleged that I have occasionally waxed a bit testy on Capitol Hill. Perhaps that is true, and perhaps today is such a day. For example: how, one might ask, can I justify brazenly brandishing a term so provocative as "colonial empire"?

Well, here's how...

The Constitution clearly envisions territories as being prospective states. That's why the Constitution's "territorial clause" appears in the same two-paragraph Section that sets forth the process for admitting new states.

Nowhere does the Constitution so much as imply – let alone proclaim – that the United States shall ever have the authority to betray its own revolutionary origins by acquiring and indefinitely possessing colonies.

So how is it possible that – 53 years after *Brown versus Board of Education* – we live in a land whose Supreme Court continues to hold that the civil rights of U.S. citizens can be capriciously curtailed by means of geographic segregation, just as it once shamefully embraced the validity of "separate but equal" as a racial segregation doctrine?

The *Plessy versus Ferguson* doctrine, that legalized racial segregation, has been dead and buried since 1954. Yet its sister doctrine of geographic segregation, promulgated by the Supreme Court in *Downes versus Bidwell*, incredibly lives on.

Somehow, that judicial atrocity has survived no fewer than 106 years of steady progress – on virtually every other front – in America's never-ending struggle to form a more perfect Union!

The exclusionary mindset manifested in *Downes versus Bidwell* explains how Puerto Rico has acquired the dubious distinction of being the jurisdiction that holds the all-time record for most consecutive years as an American territory; Oklahoma held the record, at 104 years, until we broke it in 2003; and since then, of course, we have been setting a new record every year.

What do *We the People of Puerto Rico* want?

What do *We the People of the United States* want?

Do *We the People* support the perpetuation of a policy of colonial imperialism? Or do we favor having our nation rediscover its roots as a democratic republic?

Filed on February 7, 2007 and sponsored by – among scores of others – a majority of the members of this Subcommittee, H.R. 900 will at last pose those questions; and if I may say so, it's about time – better late than never!

Geographical discrimination is no less insidious, and no less odious, than any other type of arbitrary injustice. But in one important respect, geographical discrimination – what I call "the American territorial ghetto" – is downright bizarre.

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- A U.S. citizen of any ancestry, including Puerto Rican, retains the right to vote for President if he or she moves from any state to any foreign country.
- A U.S. citizen of any ancestry, including Puerto Rican, acquires the right to vote in local and federal elections if he or she establishes residence in one of the 50 states – even if the person in question was born and raised in a territory or a foreign country.

That's all well and good.

Nevertheless, there exists one grotesque corollary to those rules.

Any American citizen who relocates from a state to a U.S. territory is immediately stripped of all political rights at the federal level!

This person may never ever have set foot outside U.S. soil – yet he or she automatically loses the right to vote for President; loses the right to voting representation in Congress; and loses the protection of the full panoply of civil rights that the Constitution guarantees to citizens residing elsewhere.

Even though the Stars and Stripes flies over Puerto Rico, an American citizen's full constitutional rights are summarily denied entry there – and it is Uncle Sam himself who mans the barricades!

It was this outrageous "Catch 22" that prompted me, six months ago, to deliver a petition to the Inter-American Commission on Human Rights – a body that was created by, and which reports to, the Organization of American States [OAS].

That petition articulates a grievance: namely, that – by denying full democratic participation in national affairs to its Puerto Rico-domiciled citizens – the government of

the United States is clearly violating the civil and human rights of those citizens. For the record, I have submitted a copy of our grievance to the Subcommittee.

In addressing the Human Rights Commission, my fellow petitioners and I contend that the United States stands in clear violation of commitments contained in two unequivocal documents that the entire membership of the OAS has adopted – both collectively and individually. Those documents are the American Declaration of the Rights and Duties of Man and the Inter-American Democratic Charter.

All across the globe, perennially subjugated peoples are today either breathing free or advancing hopefully in that direction.

The United States is applauding and promoting this inspiring trend.

Brave Americans, including thousands of Puerto Ricans, are putting their lives on the line to support this cause – in Iraq, in Afghanistan, and elsewhere. Well over 50 Puerto Ricans have died in those conflicts since 2001; numerous others have been wounded and/or decorated for their valor.

However, there is a powerful irony in all of this – because the Pentagon is sending Puerto Rican military personnel to the Middle East for the purpose of defending liberties that are denied to those very same Puerto Ricans in their own homeland!

As I mentioned a moment ago, all across the planet, perennially subjugated peoples are today either breathing free or advancing hopefully in that direction; and the United States is applauding and promoting that ongoing phenomenon.

Nevertheless – incongruous though it be – the law of our own land persists in contradicting this inspiring global trend.

Where the United States is concerned, it seems that democracy does not begin at home; instead, the law of our own land persists in mandating geographical discrimination against certain communities of American citizens who reside on American soil; in other words, American law gives its blessing to the indefinite existence of an American constitutional-rights ghetto.

Herein lies a truly national conundrum; herein lies the unfinished business of American democracy.

Colonialism, on planet Earth, is nearly extinct. Nobody, anywhere, has a kind thing to say about it.

Imperialism is a dirty word. Nobody, anywhere, has a kind thing to say about it.

So how on Earth can the United States of America conceivably countenance its retention of a colonial empire, without at least asking its subject peoples for their consent on the supremely sensitive matter of their inferior civic status?

The answer is that it cannot; and that is why passage of the *Puerto Rico Democracy Act of 2007* is long overdue.

I plead guilty to waxing testy at times. But I plead innocent to any accusations of wanton hyperbole.

So when I say "long overdue," I mean exactly that.

In my defense, I offer a quotation. Its source is a person with whom some of you may be personally acquainted. Here are his words:

> "Puerto Rico has a long history of petitioning the Congress. They have had elections down there. They have had petitions. They have had *ad hoc* commissions. They have had petitions signed by a third of their voters....
>
> "What the problem has been is not a problem with Puerto Rico. The problem has been with the Congress. We have had over 30 bills introduced. We have had statehood bills, 16 of them; independence bills, seven of them; enhanced commonwealth bills, three of them. We have had combination bills. And they never get anywhere."

The person who said that was the Honorable J. Bennett Johnston.

As the then-Chairman of the U.S. Senate panel that is responsible for territorial affairs, J. Bennett Johnston uttered those words during an executive session of his Senate Committee on Energy and Natural Resources more than 16 years ago – on February 27, 1991.

Before the 20th century expired, additional Puerto Rico status bills were filed. They never got anywhere, either.

In the autumn of 2005, I published a book wherein the preceding quotation appears. For your perusal, I am herewith submitting a copy of that book – which is appropriately entitled, *The Unfinished Business of American Democracy.*

Immediately after quoting Senator Johnston, my book contains a paragraph wherein I make the following statement:

> "Glib souls that they tend to be, members of Congress customarily are able to concoct reasonable-sounding explanations for their failure to accomplish anything on this front. Yet there is no escaping the fact that their collective lack of political will is the principal cause of the inertia in which Puerto Rico's status dilemma has been mired for a full century. Congressional foot-dragging has undercut, undermined, eroded and ultimately doomed a whole succession of Puerto Rico-originated initiatives aimed at eradicating the territory's colonial limbo."

Since I wrote that paragraph, several more Puerto Rico status bills have been tossed into the Congressional hopper. One of those bills is H.R. 900.

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Distinguished members of the Insular Affairs Subcommittee, you know better than I that significant legislative action is rarely easy to achieve.

H.R. 900 is unquestionably significant, because it would begin to address the legitimate grievances of the American citizens of Puerto Rico.

However, H.R. 900 has the uncommon virtues of also being simple and straightforward and eminently meritorious. The enactment of this significant piece of legislation should be easy to achieve.

On behalf of a century-plus of Congressional witnesses from Puerto Rico, I respectfully ask that you succeed where more than 50 previous Congresses have failed. I ask that you resoundingly recommend approval of the *Puerto Rico Democracy Act of 2007*, and I respectfully request that you adopt the following amendment that will expedite the self-determination process: in Section 3(a) of H.R. 900, I ask that you replace the phrase, "December 31, 2009," with the phrase, "December 31, 2008."

Thank you very much.