

June 16, 2021

The Honorable Raúl M. Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Bruce Westerman
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

RE: COMMITTEE HEARING ON PUERTO RICO POLITICAL STATUS BILLS *H.R. 1522* AND *H.R. 2070*

Dear Chairman, Ranking Member, and Members of the Committee:

I write to you in support of H.R. 1522: the Puerto Rico Statehood Admission Act, and to speak against H.R. 2070, the Puerto Rico Self-Determination Act of 2021.

My reasons to support H.R. 1522 are simple: respecting the will of American citizens, enfranchising 3.3 million Americans not adequately represented in their government, and provide them with full constitutional protections and equal protection of laws.

In pursuance to solving the century-old “political status” question, Puerto Rico has held six plebiscites. The November 2020 plebiscite was different from previous ones. Together with the general elections, the ballot asked a straightforward question modeling the same proposition Alaska and Hawaii used in their plebiscites before being admitted as states: Should Puerto Rico be admitted immediately into the Union as a State? Yes or No. With 53% of the votes, *YES to Statehood* won. It received substantially more votes than any political party or candidate, including the pro-statehood party and for the offices of Governor and Resident Commissioner. Statehood won in every senatorial district on the island and in 33 of 40 representative districts. Notwithstanding, in the seven districts where the *No* option won, Yes to statehood obtained more votes than the candidate who was elected. It was also the first time when every political faction, party, or group assumed a clear position on the options.

The last plebiscite showed three things:

1. Support for statehood supersedes partisan politics. It is a multipartisan, multi-ideological movement composed of people from all around the island and backgrounds.
2. Puerto Ricans can differentiate between partisan politics and political status. Although the pro-status quo party won the majority in the local legislature, it does not erase and must not ignore that in the same elections statehood won.
3. Confirmed a trend that previous plebiscites had shown. Support for the Commonwealth option was declining and ultimately rejected, and support for statehood increased until it finally won as the preferred alternative.

To uphold the will of Americans in the last plebiscite, congresswoman Jenniffer González-Colón (R-PR), alongside Rep. Darren Soto (D-FL), file H.R. 1522 to provide for the admission of the State of Puerto Rico. It currently has 68 cosponsors: 17 Republicans and 51 Democrats.

The filing and cosponsorship of the bill right away tell three facts that speak for themselves:

1. It was introduced by Puerto Rico's elected representative in Congress, not by other members representing other districts that Americans on the island did not vote for.
2. It shows that admitting Puerto Rico as a state is a bipartisan effort representing a movement that, just as in the island, is diverse and encompasses people from all sides of the political spectrum.
3. The bill is cosponsored by two members who hold leadership positions in the House: Majority Leader Steny Hoyer and Republican Conference Chair Elise Stefanik.

By contrast, H.R. 2070 has only Democratic support with no House leadership involved, and the representative elected by Puerto Rico strongly opposes the bill. The Self-Determination Act is a flawed and contradictory bill.

1. Sec. 3(a) of the bill establishes that the legislature of Puerto Rico has the "inherent authority to call a status convention." However, it ignores that by that same authority Puerto Rico's duly elected politicians have called for referendums, and they must be given deference in their actions. H.R. 1522 recognizes the Puerto Rico legislature's inherent authority to call for referendums and acts on the people's choice.
2. The bill says it recognizes Puerto Rico's "natural right to self-determination." It is interesting that while it acknowledges that we have that right, H.R. 2070 completely ignores the times when Puerto Ricans themselves have exercised it. H.R. 1522 takes the self-determination option Puerto Rico voted for and provides a ratifying vote.
3. Sec. 3(a)(2)(1) states that delegates to the convention shall draft options for Puerto Rico "outside the Territorial Clause" of the U.S. Constitution. That language creates the fantasy of multiple options when there are only two: statehood and independence. A compact of free association, which is not guaranteed, would be after achieving independence.
4. H.R. 2070 is not time bounded. It does not specify the length of the convention, terms on when and how Congress or the Puerto Rico legislature may act, and no limits at all. The bill is time-open until who knows when the delegates would draft the options, hold a referendum, and sent it to Congress. H.R. 1522 is time-specific, sets due dates the President and the Government of Puerto Rico must act.
5. The bill complicates the political status issue with unfamiliar voting formats with the intention to delude the will of the people. In addition, the voting options are prone to confusion. Sec. 5(a)(C) establishes that there could be "more than one choice with the same self-determination definition" but with different transition plans. H.R. 2070 proposed referendum suffers from the same inconsistencies some people have complained about in local plebiscites. On the other hand, H.R. 1522 is clear and will ask the people if they agree with the terms prescribed by Congress and it also details the transition from territory to state.
6. Finally, this bill tries to bind Congress to the results of the self-determination referendum. The Legislative Branch has absolute sovereignty in its legislative power; it cannot force

itself to legislate one way or the other except by the limitations outlined in the Constitution because its sovereign power over legislative matters is complete. Much less could bind futures Congresses. By contrast, H.R. 1522 binds the Executive, a legitimate exercise of congressional authority via a statutory requirement to the President to formally proclaim, once the bill is passed and the admission act is ratified, Puerto Rico as a State of the Union.

In summary, H.R. 1522 is the bill that respects the will of Americans who voted for statehood. It has specific provisions regarding the admission of Puerto Rico into the Union, has support that is both bipartisan and reaching all sides of the political spectrum, and lets the people vote again to ratify the Admission Act. Anti-statehood opponents and skeptics say that the results of the 2020 plebiscite are not enough. I would like to remind them that 53% is the *absolute majority* of the electorate; that with lesser margins laws are passed, judicial and executive appointments are confirmed, and politicians, including presidents, are elected, shaping forever the future of the country. That is called living in a democracy.

Justice John Marshall Harlan said:

“The idea that this country may acquire territories anywhere upon the earth ... the people inhabiting them to enjoy only such rights as Congress chooses to accord to them is wholly inconsistent with the spirit and genius, as well as with the words, of the Constitution ... I cannot grasp the thought that Congress, which lives and moves and has its being in the Constitution, and is consequently the mere creature of that instrument, can at its pleasure legislate or exclude its creator from territories which were acquired only by authority of the Constitution” Downes v. Bidwell, 182 U.S. 244 (1901) (Harlan, dissenting).

Justice Harlan was known as the Great Dissenter for his dissenting opinions in cases that restricted civil rights. Dissenting in *Plessy v. Ferguson*, he stated that the Constitution is colorblind and that all citizens should have equal access to civil rights. In 1954, he was vindicated in *Brown v. Board of Education*. It is up to you, members of the Committee, to vindicate once again a Justice who stood in the right side of history.

Statehood means complete protection of the U.S. Constitution to more than 3 million Americans in Puerto Rico who somehow, only for living on the island, lose equal protection in many laws. Statehood is self-governance and upholding the ideals and values the United States was founded, and for which thousands of Puerto Ricans have fought and died defending freedom and democracy. It is equal justice under the law; it is “securing the blessing of Liberty to ourselves and our posterity.”

Respectfully,

A handwritten signature in blue ink, appearing to read 'Juan C. Ruiz Pinzón', written in a cursive style.

Juan C. Ruiz Pinzón