

Testimony before the Committee on Natural Resources'
Hearing on H.R. 1522, "Puerto Rico Statehood Admission Act", and
H.R. 2070, "Puerto Rico Self-Determination Act of 2021"

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Mr. Chairman and members of the committee: We are here today because the United States has never exercised its responsibility towards Puerto Rico, the territory it acquired by conquest in 1898. Puerto Rico's status problem cannot be attributed to Puerto Rico. Puerto Rico has been the victim and the United States has been the perpetrator. Such an egregious breach of fiduciary duty throughout the 20th century and until today by a nation that thinks of itself as a beacon of democracy can only be described as stunning and shameful.

It was the United States who demanded Puerto Rico as a war booty at the conclusion of the Spanish American War, and it has been -since then- the United States who has maintained Puerto Rico as a colony, subject to the plenary powers of Congress under the Territorial Clause.

During the last 123 years the people of Puerto Rico -on innumerable occasions and by different methods- have requested that the United States put an end to the colonial regime in Puerto Rico. Yet, never once has the United States provided the people of Puerto Rico – a distinct Caribbean and Latin American nation- the opportunity to enter into a process that would permit the exercise of the right to self-determination and independence as required by international law in order to put an end to colonial rule. This responsibility is incumbent upon the United States not only through the

International Covenant on Civil and Political Rights which was ratified by the US Senate in 1992 and is part of the “supreme law of the land”, but also by virtue of the United Nations General Assembly Resolution 1514 of 1960.

The only serious congressional initiative in the direction of self-determination was that undertaken from 1989 to 1991 (as the fall of the Berlin Wall put an end to the Cold War) by Senator Bennet Johnston (S 712). It attempted to negotiate with the Puerto Rican leaders definitions and transition measures for different status alternatives such that a final vote by Puerto Ricans would take place between alternatives that had the prior approval by the Congress.

After two years of intense work by various Senate committees and by the political parties in Puerto Rico (including the PIP), the bill was defeated in Senator Johnston’s own Committee on Energy and Natural Resources.

What happened in that failed attempt bears careful examination. For the Puerto Rican Independence Party the results were bittersweet. On the one hand there were three positive outcomes, all of which we had predicted and which amply justified our strong participation in that legislative process; on the other hand it turned out the bill was destined to fail.

The first important outcome was that it became absolutely clear, especially to those who had hoped differently, that the existing colonial status of unincorporated territory (titled “Commonwealth”) could not be upgraded to a truly bilateral relation amongst equals because Congress could not effectively abdicate any of its powers over Puerto Rico under the Territorial Clause unless it disposed of the territory, in which case Puerto Rico would be a separate sovereign.

This conclusion was subsequently formally ratified in this century by the Congress, the White House under different administrations, and the Supreme Court.

The second important outcome was the elaboration of an economic transition plan for the independence alternative that put to rest old mythologies which equated national liberation and Puerto Rican sovereign status to a form of collective suicide and as a recipe for isolation from the U.S market and from the millions of Puerto Ricans who resided in the United States.

The third decisive outcome of the Johnston process was that it quickly and clearly emerged that resistance to statehood (particularly in a bill that, at least initially, purported to be self-executing) would lead to the defeat of the bill, as it did. In the end the worry by most Republicans and many Democrats was that the inclusion of statehood in any plebiscite sponsored by the Congress would be interpreted as a commitment to granting statehood if it should win such a vote.

These three outcomes are pertinent today. The problem with the Johnston initiative however was that its defeat only served to place the issue of Puerto Rico's status in the back-burner for 30 years thus assuring that the existing colonial relationship -ever more dysfunctional- continued by default.

At this moment, if we are to avoid a similar outcome, it is indispensable for Congress to speak out openly in a clear and strong voice as to its true parameters concerning the future of its relation to Puerto Rico.

Of the two bills before this Committee HR 2070 is the only one that has the potential of promoting a process that will lead to decolonization. HR 1522, on the contrary, will lead us back to another dead end. HR 1522 will either not be brought to a final vote, at least in the Senate, and if it were, the leadership of both parties in the Senate have already anticipated their opposition. HR 1522 is therefore another path to congressional inaction and to the continuation of colonialism.

The possibility of statehood is a pipe dream concocted by a toxic combination of colonialism induced dependency and insecurity in Puerto Rico (a tropical form of the Stockholm Syndrome), with the well-intentioned but superficial sympathy of some U.S. liberals who believe that not to support statehood would be to think of Puerto Ricans as "non-deserving". Thinking that to become a state of the U.S. is an exalted and privileged condition to which everyone should aspire, they don't want to be singled out as excluding Puerto Rico. What they forget or ignore is that Puerto Rico's problem is a colonial problem, not one of the equality denied to a minority under the laws and Constitution of the United States. While Puerto Ricans who live in the United States, being a minority, struggle for full individual civil rights, the problem of Puerto Rico is one of national liberation where the collective right to self-determination and independence of a colonial people is an inalienable and universally recognized human right.

The comparison with Washington D.C. is illustrative of why the case for statehood for Puerto Rico cannot prevail, and why it is objectively contrary to the interests of the United States.

D.C. is financially viable as a state, being a net contributor to the U.S. Treasury, and support for statehood is overwhelming. More importantly- and this is crucial- the inhabitants of Washington D.C. are

citizens whose cultural and national identity is American, who have no conflict of loyalties with the United States and are indistinguishable from the residents of the different states in this critical respect. There are no reasons of substance to exclude them from full participation at this period in history other than circumstantial and cynical considerations of partisan advantage.

Puerto Rico, on the contrary, is financially bankrupt as a result of the failure of the colonial relationship, and deeply divided and wary of political integration. Those of us who believe in independence -and those to come- will continue our struggle under any circumstance and never renounce our inalienable right to independence. The immense majority of the population –including most who favor statehood- though US citizens, do not think of themselves as Americans and allude principally to considerations of economic convenience as reasons to prefer statehood. More than two thirds of the population (for complex reasons including historical resistance to foreign imposition) does not have even working knowledge of the English language.

Puerto Rico, as a Caribbean and Latin American nation distinct from the United States, is a non-compatible donor to the organism of US federalism: the opposite of Washington D.C. The challenge before Congress in the case of Puerto Rico is to face up to these truths at the same time that it insists that colonialism in Puerto Rico must be terminated.

HR 2070, in principle, and in contrast with HR 1522, contains the elements that make it a potentially effective instrument to promote decolonization by enabling the Congressional leadership (through the Congressional Bilateral Negotiating Commission included in the bill) to answer the essential question of what Congress is really willing

to offer Puerto Rico. Other than independence -which is an inalienable right and can never be off the table, even if Puerto Rico were a state- both statehood and a sovereign free association require the consent of Congress. Congress therefore has a right to grant or not to grant either statehood or a Treaty of Free Association, and to define their terms and conditions.

Since the US, although it recognizes cultural diversity, is not and does not wish to be a multi-national federation, the Bilateral Negotiation Committee proposed by HR 2070 will inevitably lay out the truth – either directly or by imposing impossible conditions- regarding the possibility of statehood. Moreover, why would the U.S. admit a state that will become the problem Quebec represents for Canada, Scotland for the UK, or Catalonia for Spain? If marriage is not possible, the suitor, no matter how deluded, has a right to know as soon as possible.

Furthermore, it is critical and indispensable that for HR 2070 to be successful Congress be unyielding in its requirement that the status options be outside the Territorial Clause. It must also, of course, chart out the alternatives of independence and sovereign free association in terms that do justice to Puerto Rico and that protect the legitimate interests of both countries by duly taking account of the consequences and entanglements of 123 years of enforced colonialism.

In light of the above, the PIP welcomes HR 2070 and looks forward to working with the proponents and the Committee to make such modifications in the bill (including its Findings) that improve its efficacy and clarity as well as its opportunities for congressional approval.

When Senator Johnston in 1989 brought up the question of self-determination for Puerto Rico one can say -looking back- that the matter was important to the U.S. but it certainly was not urgent.

Today, the reality is otherwise. This time Congress cannot afford to fail. Puerto Rico is constitutionally a failed colonial state; it is literally bankrupt, has 50% of the population under the poverty level, the lowest labor participation rate in the world, 15 years of continuous economic contraction, a rapidly diminishing population, and a growing sense of collective desperation.

It is incumbent upon Congress to exercise its responsibility to put an end to colonialism and at last to promote and make possible the exercise of the right of self-determination of the Puerto Rican nation to which Puerto Rico is entitled. That is the historical debt owed by the United States to the People of Puerto Rico.

It would also be a much needed return to first principles by the nation that first raised the flag of the struggle for freedom and independence in America.