

**UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
HEARING ON THE STATUS OF PUERTO RICO
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A quarter of a century ago, when the Senate was considering Puerto Rico's status issue, the late Senator Patrick D. Moynihan introduced a Washington Post article of mine in the congressional record. The article warned that, without independence, Puerto Rico would inevitably become either a commonwealth ghetto or a ghetto state.¹

Today, with the history of the last two decades as evidence, I can sadly state that we are almost there. *Puerto Rico is rapidly becoming a commonwealth ghetto; whereas under statehood Puerto Rico would become a ghetto state.*

In 1990 the warning went unheeded. In 2013 Puerto Rico's unresolved status can no longer be postponed. If no action is taken, territorial status will persist. The economy, already in permanent recession, will collapse. Drug related activities and social decomposition will continue

¹ The Spanish version appears in, PUERTO RICO: NACIONALIDAD Y PLEBISCITO (1991, Editorial Libertad), p. 87-94, specifically p. 94. In 1982, in a conference in the Woodrow Wilson Center, I had already warned of that danger. See RAZÓN Y LUCHA (1983, Editorial Línea), p. 450.

to grow, as will Puerto Rican migration to the U.S.—particularly that of our middle class and professionals. Territorial status is spent.²

Faced with this reality, many in Puerto Rico believe that statehood could reverse such a tendency. But a recently published article regarding the Mississippi Delta region should dispel any such illusion.³ Although the region, embedded in 3 states, is represented in Congress by 6 senators and several congressmen corresponding to the three states in question, market laws and the economic straightjacket of the commerce clause of the U.S. constitution have turned the Mississippi Delta into a permanently depressed and marginalized zone—a regional ghetto.

Last November, a plebiscite on political status was held in Puerto Rico. Seventy eight percent (78%) of eligible voters participated. Two questions appeared on the ballot.

The first question asked voters whether or not they agreed to maintain the present territorial relationship with the United States. A solid and indisputable majority of 54% rejected the current territorial relationship.

² I have extensively elaborated on this matter in two *Foreign Affairs* articles; See “Independence for Puerto Rico, the Only Solution” (1977); and “The Decolonization of Puerto Rico” (1997).

³ See, *The Economist* (June 8-14, 2013), p 33-34: “Since 1940 the region’s population has fallen by almost half” ... Farm jobs have also disappeared for the most part... Local factories have been closing... Average income is just over \$10,000, half the level of Mississippi as a whole and 40% of the population lives below the poverty line. The unemployment rate is 17% more than twice the national rate”.

In the second question, voters were asked to express a preference for Independence, Statehood, or Sovereign Free Associated State. However, the result of the second question was neither clear nor irrefutable. Statehood obtained 45% of all ballots cast. There were approximately 25% blank ballots on the second question; and only by factoring those ballots out –which were definitely not in favor of statehood– can it be argued that statehood obtained 61% of the vote.⁴

Subsequently, President Obama submitted a budget proposal of \$2.5 million dollars for “voters education,” if the Puerto Rican government legislated another status vote. Furthermore, the President openly invited the Puerto Rican government to include the resoundingly rejected territorial status among the options. *Under the guise of inclusiveness, the President has proposed political subordination as an alternative future status. Such a recommendation is no more justifiable and no less absurd and undemocratic than offering jobs below the minimum wage or involuntary servitude as remedies for unemployment.*

⁴ As a matter of law, Puerto Rico’s Electoral Code requires that blank votes be counted. The Supreme Court of Puerto Rico has recognized since 1993 “the right [of a voter] to deposit his blank ballot in the ballot box, as a means to express that he or she does not favor any of the proposed status options”. *Sánchez y Colón v. ELA*, 134 DPR 445 (1993); and 134 DPR 503 (1993). More recently, in 2009, the Supreme Court of Puerto Rico ruled that, “[w]e may reasonably conclude that the voter who voluntarily... deposits his blank ballot...had the clear intention not to favor any of the options...on the ballot”. *Suárez Cáceres v. CEE*, 176 DPR 31 (2009).

Congress, empowered by the Constitution to dispose of the territory, has yet to act. Moreover, International law has recognized the right of all peoples to self-determination which, under treaty obligations assumed by the United States, is part of U.S. law. Thus the U.S. could, ideally, fulfill its obligations under U.N. Res 1514 (XV). However, it could also ignore international law and pass legislation for a federally sponsored plebiscite among non-territorial options.

I am well aware, however, that *international and constitutional law notwithstanding, Congress will not approve a plebiscite which includes a statehood option. The reason is simple. To offer such an option would tantamount to an indirect statehood offer, were that option to prevail in a plebiscite. A statehood option is the death mark of any federally sponsored plebiscite simply because Puerto Rican statehood is contrary to U.S. national interests.*

You should, therefore, speak frankly and tell Puerto Ricans which alternatives you will consider to comply with your decolonization obligation. But unfortunately, at this stage, you are not willing to frankly discard statehood as an alternative for fear of seeming racist or undemocratic.

Consequently, no status legislation will be approved by Congress. U.S. policy therefore remains undemocratically clear: to perpetuate a territorial status which the majority of Puerto Ricans repudiate.

In the end, however, you will not be able to avoid the difficult decisions regarding Puerto Rico's unresolved status. U.S. policy promoting dependence under the existing territorial status, coupled with a long history of anti-independence repression, has inevitably led many of our compatriots to think that two senators and six representatives would suffice to ensure an eternal cornucopia of federal funds.

Time is running out. *Before last November's plebiscite, the US government consistently argued that Puerto Rico had consented to colonial rule. Since then, territorial rule -always undemocratic- has mutated into despotism.*

We are well aware, that *the U.S. Government will act to decolonize Puerto Rico only when it has no other alternative. It is therefore up to us, in Puerto Rico, to create a political crisis that will force you to act.*

Different scenarios are possible. The statehood forces may win the 2016 elections and enact legislation calling for a "Statehood Yes or No" referendum, similar to the one they are now proposing, and try to secure a majority vote for statehood.

Another possible scenario is that the present Commonwealth government would muster the necessary political will to convene a Status Convention to negotiate a non-colonial alternative to the present status.

The Puerto Rican people have rejected the territorial relation. Inevitably, Congress will have to make true self-determination possible. Self-determination demands that the U.S. spell out a fair and equitable transition so that the Puerto Rican people can exercise an informed choice between independence, which is our inalienable right as a distinct and separate nationality, and the terms and conditions of any other non-territorial alternative the U.S. is willing to consider.

That time will come soon. And when it does, it would be wise to recall the words of the late senator Patrick D. Moynihan (D-NY) on the Senate floor in May 1990: *“In the end, the great issues presented here are civic, not economic. Do Puerto Ricans wish to become Americans? Because that is what statehood ineluctably implies. Or do they wish to preserve a separate identity?”*⁵

You should then frankly tell the Puerto Rican people that to become a state they must be willing to become Americans and renounce their identity

⁵ See also, Letter by President-Elect Bill Clinton, to Governor-Elect of Puerto Rico, Pedro J. Rosselló, December 30, 1992, recognizing “the distinct identity which Puerto Ricans have developed since the first encounter with Hispanic culture and the Island.”

as a separate and distinct nationality. You must also ask yourselves, whether you wish the U.S. to continue as a unitary federal state under the guiding maxim of *E pluribus unum*; or whether you want your country to become a multinational state ruled instead by the motto of *E pluribus duo*.⁶

Since actions speak louder than words, I want to conclude by bringing to your attention the case of Oscar López Rivera, a Puerto Rican political prisoner who has languished in U.S. prisons for more than 32 years -longer than Nelson Mandela. *Puerto Ricans of all political persuasions have demanded his liberation, including the three party presidents present here today.* Surely a nation that prides itself as champion of human rights should, through executive action, liberate Oscar López Rivera.

Justice and a sense of decency demand it.

⁶ For a more elaborate discussion of this issue, see my statement before the Senate Energy and Natural Resources Committee, January 30, 1991.