



GOVERNMENT OF PUERTO RICO  
OFFICE OF THE GOVERNOR

Hon. Pedro R. Pierluisi  
Governor of Puerto Rico  
Written Statement  
Insular Affairs Legislative Hearing on Puerto Rico's Political Status  
Full Committee Hearing  
April 14, 2021

I. INTRODUCTION

Chairman Grijalva, Acting Ranking Member González-Colón, and Members of the Committee:

Thank you for today's hearing on one of the most important and urgent matters facing the people of Puerto Rico, ending our colonial status. This topic is also of extreme importance to the United States. America has been a beacon of liberty and a champion for self-determination throughout the world for almost three centuries. There should be no room in the American family for colonialism, especially when on three occasions in the last decade, a clear majority of the U.S. citizens in Puerto Rico have exercised their right of self-determination in favor of becoming a state of this Union.

For years, Congress has entertained the idea of putting an end to the unresolved issue of Puerto Rico's political status but has failed. Some reasons, or excuses, if you will, have included that Congress should not interfere, that no option had a majority, or that Puerto Ricans needed consensus. And many members of Congress have preferred to take no position on the future of Puerto Rico's status and to hide behind support for self-determination.

The governing relationship between Puerto Rico and the United States has been the subject of extensive study and debate. What has emerged over the past self-determination exercises is an expression of the unmistakable desire of the residents of Puerto Rico to become a state.



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Things are different now. As you know, on November 3<sup>rd</sup> of last year, the residents of Puerto Rico went to the polls and voted to resolve our status. The process was clear and straightforward. An up or down, yes or no, vote on statehood. It was a referendum much like many other territories had prior to becoming states. And the majority of the voters in Puerto Rico said yes to statehood. More Puerto Ricans voted for statehood than for any candidate running in that same election.

So, we are here before this Committee again to discuss our political future. I contend that we should only be discussing how to enable the people's choice, the freely and democratically expressed will of the American citizens of Puerto Rico. We should be discussing how to best respond to their request for statehood.

This is not the time for another protracted and convoluted process to debate the options. The voters have spoken clearly, and it is time for Congress to accept the results.

After almost one hundred and twenty-five years of colonial status as a U.S. territory, the American citizens of Puerto Rico favor equality in all respects with their fellow Americans in the fifty states and are ready to begin their own transition to statehood.

### II. THE RIGHT TO VOTE AS A FUNDAMENTAL HUMAN RIGHT

This urgent issue comes before the Committee at a time when the United States is engaged in a great national debate over voting, the most important right we have to shape our political destiny. This hearing adds to that debate the fact that twenty-one years into the twenty-first century, in the United States, approximately 3.1 million U.S. citizens—the majority of whom are Hispanic and bilingual and, as such, ethnic and linguistic minorities within the United States—have no domestic legally recognized right to vote for their country's President and Vice President or any voting representation in the House or Senate. In Puerto Rico's case, this is not about the mechanism of voting but the denial of that right altogether.



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The right to vote, to participate in politics, and to shape the direction of the democracy we share and to which all Americans have a duty of loyalty and a responsibility to support are internationally recognized as **fundamental human rights**. These rights are among the most important human rights because, through them, citizens are able to hold their governments accountable and help shape government policies.

These rights constitute an acknowledgment that people are entitled to be masters of their fate by participating directly in the decisions that fundamentally affect their lives. Securing and protecting these rights are the keystone for a system in which all other human rights are respected.

I come before you today to express the will of the people of Puerto Rico, to demand that Congress move forward on the statehood admission process they support, and to end the era in which Puerto Rico has been an exception to America's legacy of supporting self-determination at home and overseas.

### III. PUERTO RICO'S HISTORY AS A TERRITORY OF THE UNITED STATES

Puerto Rico has been a territory of the United States since 1898, and we have waited longer than any other territory to finally and fully resolve our status within the Union. The Treaty of Paris, which formally ended the Spanish-American War, provided in its Article IX that “[t]he civil rights and political status of the native inhabitants of the territories hereby ceded to the United States [including Puerto Rico] shall be determined by the Congress.”

During the first two years after the end of the Hispanic-American war, the United States administered Puerto Rico as a military protectorate.

In 1900, the United States Congress passed the Foraker Act, which replaced the military government with a civilian one, established a Governor and an Executive Council, a popularly elected legislature, a judicial system, and a non-voting delegate to Congress called “Resident Commissioner,” who remains to this day.



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In 1917, the United States conferred United States citizenship on all Puerto Ricans through the passage of the Jones-Shafroth Act. The Jones Act also replaced the Executive Council with a popularly elected Senate. The Governor, however, remained a U.S. Presidential appointment.

Despite the unsettled nature of our own status over this period, Puerto Ricans have served, fought, and died for the cause of freedom and democracy in every military conflict since we became a territory and many with great distinction. But, at the national level, our Federal Government denies them the legally recognized right to vote for their Commander-in-Chief and has yet to give serious consideration to the process that will provide us with the right to voting representation in Congress and to participate in the future of our Nation.

Although I served in this House for eight years representing the largest single constituency among my colleagues, just as our Resident Commissioner Jenniffer González does now, I had to stand by as they voted for legislation in the House that affected all Americans, including the American citizens in Puerto Rico. For many years, the reason we were given for the extension of our colonial status, was that the will of the people of Puerto Rico as to their status, was unclear. That is not the case today by any means.

The process that begins today in this Committee must be definitive. The time for debate and study about what to do has passed. Now, in this Congress is time to end the denial of these fundamental political, civil, and human rights to the United States citizens living in Puerto Rico.

#### IV. THE PUERTO RICO STATEHOOD ADMISSION ACT

Puerto Ricans are deeply proud to be American citizens and have contributed to this Nation in countless ways since 1898. Yet, no territory of the United States has waited longer than Puerto Rico to bring an end to its colonial status.

I ask you, both on behalf of your fellow Americans in Puerto Rico, and as a clear way to strengthen democracy for all Americans, to respond to the will of the



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people of Puerto Rico by approving legislation that will initiate the admission of Puerto Rico as a state.

The only acceptable response to this clear expression of a desire for permanent status as a state of the Union is the enactment of H.R. 1522, the Puerto Rico Statehood Admission Act, sponsored by Resident Commissioner Jenniffer González-Colón and Congressman Darren Soto, and S. 780, as introduced in the Senate by Senator Martin Heinrich, and others.

Under this legislation, Congress would set out the terms and conditions under which Puerto Rico would be admitted as a state and presents a formal offer of statehood to the U.S. citizens of Puerto Rico who, in turn, would be given the opportunity to accept or reject admission in a final referendum before admission is proclaimed.

The Puerto Rico Statehood Admission Act is self-executing. If the majority votes (again) in favor of equality, the territory's days would be over, and Puerto Rico would begin a transition to statehood.

Conversely, if a majority were to reject statehood, then the island would remain a territory with the option to pursue sovereignty, through nationhood, at any time in the future. Let me be clear—this bill does not force or impose statehood on Puerto Rico, it only offers statehood, as the majority wants it, and provides a proven mechanism and the legal means for it to finally happen.

When statehood is granted, the U.S. citizens of Puerto Rico will have equal rights, equal responsibilities, and full representation in the U.S. Congress, which enacts the federal laws that affect their daily lives. Puerto Rico would also be able to participate in U.S. Presidential elections to select the federal executive that implements the laws they live under. Puerto Rico would be treated equally under all federal laws, policies, and programs.

Perhaps most importantly, under this legislation, for the very first time, the world's oldest and greatest democracy would offer equality to citizens who have been unequal to their fellow Americans for well over a century.



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Constitutionally, there are only two status options available: statehood and nationhood. The former embodies the equality that Puerto Ricans have voted for now in three successive referenda. The latter, however, as its supporters try to label it, would be based on a relationship outside of the Territorial Clause and the U.S. Constitution. Effectively removing Puerto Rico from being a part of the United States and the eventual loss of our American citizenship. A third option, the current territorial status—unequal, colonial, and unworthy of the United States—given that those subject to it have petitioned their Government for its rejection in favor of full equality.

When you consider this legislation, I ask you to think about how your own constituents would feel if their full rights as Americans were still in question after being a part of the United States for well over a century and after they voted three times in the past decade for statehood.

How would they feel if the response from Congress was to set aside their expressions of self-determination by favoring competing legislation that has no real purpose but to delay (rather than to respect) the clear determination of your constituents to enjoy the full benefits of U.S. citizenship? While we live and work in the greatest democracy the world has ever known, there remains some work to be done to perfect our democracy, and the appropriate way to respond to the expressed and repeated desire of the voters of Puerto Rico is to begin the statehood admission process that they have voted for.

Your support for the Puerto Rico Statehood Admission Act will reaffirm the most sacred principles upon which our system of government was founded and strengthen our democracy. It will also reaffirm to our allies and to those nations under the duress of governments that reject democracy that America lives up to the principles that it has fought to protect since its foundation.

**V. THE PUERTO RICO SELF-DETERMINATION ACT DOES NOT CONFER ADDITIONAL RIGHTS NOR DOES IT ADVANCE A RESOLUTION TO THE PUERTO RICO STATUS QUESTION**



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Unfortunately, we are also here today to discuss another bill that offers a convoluted process to include unknown options or other routes that Puerto Rico's voters have already rejected. Those who did not like the people's choice in the November plebiscite, many who for years had dared proponents of statehood to carry out an up or down vote on statehood, now choose to ignore the results, change the process, and change the questions. Anything to avoid accepting the will of the people.

H.R. 2070, ironically called the Puerto Rico Self Determination Act, is the farthest thing from self-determination. It is the epitome of colonialism. It not only ignores the people's vote, but it also aims to tell Puerto Ricans what the process to express our will should be. That is not self-determination; that is an imposed determination.

While I respect those who advocate otherwise here today, I emphasize that the Puerto Rican people have made a clear, democratic choice for statehood, and there can be no doubt about where the American citizens of Puerto Rico stand. First, in 2012, a clear majority, over 54% of the voters, rejected Puerto Rico's current territorial status, and now a clear majority, almost 53% percent, have chosen statehood for Puerto Rico.

In some instances in our history, Congress has moved territories towards statehood without a clear expression of the popular will of the citizens living in those territories, and some territories have been forced into statehood against the popular will. But when the popular will clearly has been expressed, it is Congress' responsibility to respond to that vote and to reject proposals that would perpetuate a colonial status in the guise of promoting yet another complicated and totally superfluous process of "self-determination."

H.R. 2070 and S. 865, as introduced in the House and Senate by Representatives Velázquez, Ocasio-Cortez, and Senator Menéndez, includes the utilization of a voting method that is unknown and that has never been used in Puerto Rico.



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Their proposed legislation is also non-binding, which means that even if we go through the complete set of convoluted processes included in their bill, Congress may or may not choose to approve the option chosen by voters.

Even worse, their bill does not define any of the possible status options to be voted on or say how many could be presented to voters, leaving it up to a “Status Convention.” Let me be clear: However proponents of this alternative approach to label it, anything short of statehood is colonial and unequal. Within the Constitution, there is statehood, independence, and a territorial status that historically has been viewed as temporary. It is highly misleading that the sponsors of this legislation continue to hold open the possibility of Congress considering “any option other than the current territorial arrangement,” even though there are no other constitutionally valid alternatives to the territory status beyond statehood or nationhood.

The Puerto Rico Self-Determination Act lacks a clear timeline for execution. It would be cruel to have our people, the constituents I represent, go through years of endless debates and back and forth engagements with Congress, only to be left out in the end with no response to their clear intention to move towards equality and statehood.

Proponents of this bill argue that Puerto Rico’s case is different from the U.S. citizens living in Washington, D.C. That we have a different culture and a “unique Caribbean heritage that existed long before it was forcibly seized by the United States.”

By doing so, they seem to adopt the same reasoning used by racist and xenophobic Justices of the Supreme Court in the early twentieth century that decided the infamous *Insular Cases*. These cases invented the concept of the “unincorporated territory”—a territory of the United States not destined for statehood—in which only those constitutional protections extended to it by Congress and/or otherwise recognized as fundamental by the domestic courts apply in the territory.



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It is precisely this same school of thinking that brought the conditions—which can only be changed by Congress—which cemented Puerto Rico’s second-class U.S. citizenship. That is the historical record. You cannot shy away from it. The Court went as far as stating that Puerto Rico was “inhabited by alien races, differing from us in religion, customs, laws, and modes of thought, [the result of which] the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible.”

Certainly, the American citizens of Puerto Rico are no less citizens of the United States than those living in the District of Columbia or, for that matter, than those living anywhere in the United States. As such, the U.S. citizens in Puerto Rico do not deserve any less protection from this Congress than our brothers and sisters from Washington D.C.

In fact, these principles, and the current colonial status, make no sense because Puerto Ricans, by virtue of their American citizenship, can simply come to the mainland and acquire the rights they are denied in Puerto Rico. Why should the rights of any American citizen be defined by location?

Moreover, despite the offensive language in the Insular Cases, we must all agree that America is made up and strengthened by the grand and vast variety of cultures and customs of its people.

Just visit the home states of the primary sponsors of the so-called “Self-Determination Act,” and what do you see? People united by their love and devotion to the United States, that freely and actively celebrate their heritage they and their ancestors brought to this Nation, often under great sacrifice and duress. New York is like any American state; on any given day, you see people celebrating their heritage. The people of Puerto Rico voted for statehood because they realize that they have nothing to lose through statehood while gaining equality. Those who support any other approach would deny them the fundamental rights of our democracy.

It is highly doubtful that the original framers of the U.S. Constitution ever envisioned or would have approved a system where territories are held in



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perpetuity while permanently denying any voting participation to their inhabitants. After all, these imperialistic views are precisely what the 13 colonies rebelled against.

The differential treatment in voting rights between citizens of the 50 states, the District of Columbia, and Puerto Rico lacks any objective or reasonable justification. A citizen is a citizen regardless of the citizen's place of residence within the territorial jurisdiction of his or her state.

### VI. SUPPORT FOR STATEHOOD HAS NEVER BEEN GREATER AND THE TIME TO ACT IS NOW

If you claim to favor self-determination, then you must support what Puerto Rico's voters freely determined, and that means admitting Puerto Rico as a state. You must take a stand and support their choice.

I hear some say that we need to wait until we reach a "consensus." Those of us who want equality can never consent to discrimination and unequal treatment. There can never be consensus for second-class citizenship—the majority rules in our democratic system. And the majority of the American citizens residing in Puerto Rico want equality, which can only be conferred through statehood.

We had the courage to hold an up or down vote on statehood, and the people voted affirmatively. Statehood received more votes than any candidate or political party in Puerto Rico (by more than 200,000 votes, a substantial number). Statehood won in every single senatorial district and in 33 of 40 house districts. We must respect this sacred mandate and abide by the will of the people.

We ask Congress to seek that same courage, to provide an answer, and to respect the will of the American citizens of Puerto Rico. The fight for equality is a matter of civil and human rights. A proposal for an entirely new process, which is not binding, with no clear options, with delegates elected in perpetuity, with



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no timelines for execution, because some did not like the results, shows a lack of respect to the people of Puerto Rico.

I commend Congresswoman Jenniffer González-Colón, Puerto Rico's sole representative in Congress, and Congressman Darren Soto, for introducing a status bill that actually represents and defends the will of the people.

I urge this Honorable Committee to not turn its back on us and look the other way. The source of your power to rule over Puerto Rico stems from Article IV, Section 3 of the U.S. Constitution, which reads: "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory **or other property** belonging to the United States..."

"Other...*property*", ladies and gentlemen...

Not long ago, a former state senator from Puerto Rico—who is not a statehood advocate- appeared before this Committee and read you that same Constitutional clause.

We demand that you start treating us as equals and stop treating us as property. Contrary to what the Insular Cases and its new modern progeny in Congress believe, we do not belong to the United States. We are an integral and fundamental part of it.

Inequality is un-American.

And we must all stand against it.

That is why I stand in front of you today to speak for the American citizens of Puerto Rico who spoke with their vote.

We deserve equality as American citizens. And we will not stop this fight until we achieve it.

Thank you.