

**HEARINGS BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS,
COMMITTEE ON NATURAL RESOURCES, U.S. HOUSE OF
REPRESENTATIVES**

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My name is Celina Romany and I appear before you as President of the Puerto Rico Bar Association. Our organization, founded in 1840, and one of the oldest professional associations in the Americas, approximately groups on a compulsory basis, 14,000 lawyers of diverse political and ideological preferences. Notwithstanding this reality, the *Colegio de Abogados* has historically been an advocate of the decolonization of Puerto Rico, both under the Spanish and United States regimes. It has advocated for a solution that emerges from Puerto Rico, from its people, the ultimate repository of political sovereignty. It has consistently supported the need to seriously address this issue with the political will required for correcting the democratic deficit inherent in the denial of a people's fundamental human right to sovereignty and self-determination.

Our Bar Association has played a key advocacy and educational role in the public debate. Through its *Constitutional Development Commission* has provided a constitutional and democratic theoretical and practical perspective as well as an international law dimension to a passionate debate that often ends up stationed in partisan political alleys.

The long trail that precedes today's congressional effort speaks for itself and reflects the United States officials' inability to grasp the essential components of a colonial relationship. But more importantly, it also reflects the dangerous paths of the control exercised by partisan politics. The Puerto Rican people have not been able to enter the stage on the political status question and HR 1230, the *Puerto Rico Self Determination Act*, constitutes a *first* entrance. It lays out a significant foundation towards the eradication of a colonial relationship, out of sync with democratic values which give voice to all Puerto Ricans – *from here and there*- in the design and elaboration of their political destiny.

HR 1230 additionally provides a *first* opportunity to build a mechanism for the democratic deliberations of all political sectors. It also represents the *first* congressional acknowledgement of a people's natural right to self-determination, the contours of which have been amply refined by an international society much different to the one existing at the United Nations of the 50's, the time when Puerto Rico was removed from the list of non-self-governing territories.

This is a *first* in more than a hundred years, and this Congress, increasingly representative of a diverse Latino population; increasingly learning to walk the tightrope of national and cultural identities- of plurality and difference; increasingly aware of Latin American neighbors watching the inconsistencies in our backyard, must rise to the occasion. A *first* scenario that, by granting our people the Status Convention/Assembly

option provided in HR 1230, offers a remedy for a whole century witnessing the egregious violations of basic political human rights.

HR 1230 acknowledges the fairness and legitimacy of said Convention/Assembly as a vehicle of expression which allows the articulation of non-colonial alternatives- not bound by the straight-jacket of the territorial clause and its plenary powers. Section 2 of the bill correctly emphasizes that any “self-determination option” agreed by the Puerto Rican Convention “must be based on the sovereignty of the People of Puerto Rico and not be subject to the plenary powers of the territorial clause of the Constitution of the United States.” Another essential provision of the bill is included in its Section 4(a)(2), which establishes that, if Congress rejects a self-determination proposal submitted to it by the People of Puerto Rico, the Convention may reconvene “to adopt another Self-Determination Option;” while Section 5 adds that the Convention “may remain in session until a Self-Determination Proposal is enacted by Federal law.” Hence, H.R. 1230 proposes the unleashing of a political, deliberative and negotiation process that must guarantee a non-colonial outcome. Thus, the Puerto Rico Bar Association in a Resolution approved by its Board of Governors, commends and supports bill H.R. 1230.¹

Puerto Rico is our nation, a Latin-American and Caribbean nation which has been denied its right to self-determination notwithstanding several UN Decolonization Committee resolutions, translating recognized international law principles. Regardless of the systematic and prolonged violations of basic and universal human rights, the Executive Branch of the current government insists that Puerto Rico is a U.S. commodity which can indeed be freely trafficked and ceded in any international exchange. The President’s Task Force Report, presented to Congress in December 2005, constitutes an unfortunate reminder of the stagnation of a colonial relationship. The Task Force essential discourse is not far removed from Senator Joseph Foraker’s words of a hundred and five (105) years ago when he stated that “we have a right to legislate with respect to them as we may see fit”² Nor is it far removed from the Supreme Court of a hundred six (106) years ago that justified the territorial clause on the basis of *alien races*.³

Madame Chair, to privilege a constitutional clause that crashes against the wall of basic universal principles and of the political lessons brought about by the convulsions of the 20th century, amounts to nothing else but to the privileging of imperial periods, an *empire* camouflaged in self-serving interpretations of the rule of law.

There is no more time to waste; no more detours or delays are acceptable. HR 1230, for the *first* time, legitimizes the entrance of the Puerto Rican people to the

¹ H.R. 900 is silent as to what Congress should do in case either the “statehood” or the “sovereign nation” option wins; is silent as to the implementation of the winning alternative; and thus it does not map out the direction that the relations between the two nations would follow. In contrast, H.R. 1230 requires Congress to respond to the options previously approved by the People of Puerto Rico and for the expiration of the Convention only when one non colonial status is finally approved by both the People of Puerto Rico and Congress.

² *Congressional Record*, Senate, March 2, 1900, pág. 2475; cited in RONALD FERNÁNDEZ, *THE DISENCHANTED ISLAND: PUERTO RICO AND THE UNITED STATES IN THE TWENTIETH CENTURY* 9 (1992).

³ Downes v Bidwell 182 U.S. 244 (1901), at 286-87

deliberative stage and thus the outcome of its self-determination deliberation, as an equal sovereign.

Thank you.