



## 50.5 States: The Civil Rights Struggle of the 21st Century

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Remarks as Prepared For Delivery

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Good evening and *bienvenidos a todos*. Thank you for inviting me to speak tonight. I am honored to be here. I want to thank Eduardo Soto, the President of the Puerto Rico Statehood Students Association, who currently serves as an intern in my congressional office. I also want to thank Alexandra Cerquone, the President of the new PRSSA chapter here at GW. And I want to thank Carolina Dubón, Amy Williams, and Nicolás Díaz, members of the chapter's executive board, who I know were instrumental in organizing tonight's event. From everything I have seen and heard about PRSSA's current crop of leaders, this organization remains in very capable hands.

I want to begin by expressing my deep gratitude to the members of PRSSA who are present here tonight. I know you are fighting hard to advance the cause of statehood for Puerto Rico. Your weapons in this battle are not bullets or bombs, of course, but rather your understanding of history and government, your powers of advocacy, and—most important—your fierce desire to achieve justice and equality for the people of our beloved Island. Today you serve as lieutenants and captains on the front lines. And I am sure that one day you will become generals in this fight. Having had the chance to meet many of you over the years, I have great confidence and hope for the future.

My remarks tonight will cover three areas. First, I think it is important to return to fundamentals, and to briefly describe why I believe that statehood is the best status option for both Puerto Rico and the United States. In the course of doing so, I will respond to several of the most common arguments made against statehood. As all of you know, there are many open-minded folks on the Island and in the states who are capable of being convinced that statehood is "the right and logical destination" for Puerto Rico, as the first President Bush put it, but who have not been persuaded yet. It is our job—you and I together—to make the case for statehood in a clear and coherent way. We will not change a single mind, nor convert a single person to our cause, unless we are logical, patient and respectful. Sometimes determined advocacy of this sort can be frustrating, because we regard the justice of our cause as self-evident, but it is absolutely essential if we are to make our shared dream a reality.

Second, I want to explain why I introduced H.R. 2499 and why passage of the bill by the U.S. House of Representatives is of such great importance, notwithstanding the Senate's subsequent—and not-surprising—failure to act on the legislation.

And finally, I want to speak candidly with you about the upcoming political status plebiscite on the Island. Let me be clear: I am not going to talk this evening about the statehood admission process or how the 51st state of Puerto Rico might affect the makeup of the U.S. Congress or impact the results of future presidential elections. While these are fascinating topics that I often reflect upon, we are not there yet. We must proceed one step at a time—and right now we should be completely focused on doing the hard work necessary to ensure that statehood wins a majority in a forthcoming plebiscite in Puerto Rico. If we do obtain a majority—and I am confident we can—then it will be appropriate to discuss the statehood admission process and what follows in its wake. I look forward to having that conversation when the time is ripe.

Once I finish my remarks, I am happy to take your questions. Although I will probably regret saying this, I encourage you to be tough on me. Please don't be afraid to challenge or criticize the status strategy I have pursued since becoming Resident Commissioner two years ago. I value your perspective, and exchanges such as these can be as educational for me as they hopefully are for you.

## **Statehood**

So, how do *you* typically respond when someone asks why you support statehood for Puerto Rico? My own answer to this question has a moral component and a practical component. In other words, I believe statehood is both the most principled status choice *and* the most prudent status choice.

The moral case for statehood is, in my view, extraordinarily compelling. The bedrock principle of America's approach to government is representative democracy. The people elect the President and Members of Congress, who enact and enforce our national laws. If the people are not satisfied with the actions of their leaders, they have the opportunity to vote them out of office. In recent years, and especially since the Cold War ended, this model of government has spread rapidly and taken hold around the world. Scores of nations that were once repressive and authoritarian have become free and democratic. For many of these countries, to be sure, the transition has been challenging or remains a work in progress. But the point is this: everywhere we look, on every continent, average citizens have—or are on the brink of having—a real voice in how their lives are governed.

Against this backdrop of steady and widespread advancement, it is profoundly sad—heartbreaking even—that residents of Puerto Rico, citizens of the greatest democracy in history, still do not enjoy true self-government after 112 years under the American flag. Although we are four million strong, we cannot vote for our president, have no senators, and send a single, non-voting member to the House of Representatives. To take just one of many possible examples: even citizens of contemporary Ukraine—which was a highly oppressed state of the Soviet Union a mere 20 years ago—have far more say in how they are governed than the people of Puerto Rico. Countries everywhere are accelerating towards a better and brighter future, while Puerto Rico remains stuck in neutral.

Beyond our lack of self-government, we are also treated unequally as a matter of course under the current territorial status. The federal laws that treat residents of Puerto Rico worse than residents of the states are too numerous to count. The courts uphold such laws against constitutional challenge so long as there is any rational basis for the disparity, the lowest level of judicial scrutiny. The federal government can meet this rational basis test by arguing that equal treatment would be expensive or that Puerto Ricans do not pay federal taxes on local income. The tax argument is often successful despite the fact that more than 40 percent of households in the states do not pay federal income taxes but still receive equal treatment.

The hard truth is this. Decades after women and African-Americans won hard-fought battles to gain their civil rights, residents of Puerto Rico continue to live as second-class citizens in their own country. This state of affairs is made even more painful by the fact that there are politicians in Puerto Rico who constantly seek to minimize or rationalize the unjust treatment we receive under the present status, and who continue to insist that the status quo is preferable to the most realistic alternative—statehood. Because these leaders condone our current condition, they are at least partially responsible for it. It would be easy to simply blame Washington for our problems, but it would also be dead wrong. The fault lies with us as well.

To those leaders in Puerto Rico who still profess satisfaction with the current territorial status despite its fundamental defects, I would like to extend a simple invitation. I would ask you to join me the next time I travel to Afghanistan to meet American soldiers

from Puerto Rico. Or to accompany me the next time I visit Walter Reed Army Medical Center or Bethesda Naval Hospital to see young soldiers from the Island who were gravely wounded in combat. These warriors, like those generations of Puerto Rican soldiers that preceded them, have fought to bring democracy and equality to millions of citizens of foreign nations. Our soldiers have risked their lives—and, in many cases, *given* their lives—to secure for others the basic rights that they and their fellow Puerto Ricans are unable to enjoy themselves. I would be interested to hear the defenders of the status quo justify this fundamental contradiction, which causes me considerable anguish every time I see our men and women in uniform.

So, from my point of view, the moral case for statehood is beyond doubt. I also believe the argument for statehood on *pragmatic* grounds is crystal clear, whether viewed from the perspective of Puerto Rico or the United States. The stories of Alaska and Hawaii, both of which became states in 1959, are instructive. Any reasonable observer would conclude that statehood improved economic conditions in each former territory and raised the standard of living for its residents. At the same time, statehood for Alaska and Hawaii enhanced and enriched the United States as a whole, creating a better, stronger and more diverse nation. Given this history, the burden of proof must rest squarely with those who would preserve the status quo, not those who aspire for Puerto Rico to follow in the footsteps of Alaska and Hawaii. And it is a burden that defenders of the status quo simply cannot meet.

Consider the following. In 2009, according to the U.S. Census Bureau, Puerto Rico received \$21 billion in funding from the federal government. In comparison, Kentucky, a relatively poor state whose population is only slightly larger than Puerto Rico, received over \$50 billion—more than twice as much. Even Oregon, a wealthy state with a smaller population than Puerto Rico, received \$33 billion—\$12 billion more than the Island. These numbers show the shortcomings of the current status in stark terms. They also show how wrong-headed the Popular Democratic Party is when it argues, as it invariably does, that the Puerto Rico government should be focusing on the Island's economic issues rather than the status issue. The truth is that our economic problems are largely a *consequence* of our status problem.

We can confirm that point by digging a little deeper into the Census numbers. Despite the tremendous gains we made in the recently-enacted Affordable Care Act, Puerto Rico will not receive anything near the amount of health care funding that the states receive from the federal government. In 2009, Mississippi received over \$3.5 billion and Kentucky received more than \$5.4 billion in federal Medicaid funding to provide health insurance to the indigent. Even with increased funding under the ACA, Puerto Rico will only receive about \$1 billion per year, despite having higher poverty levels than either of these states.

To take another example: residents of Puerto Rico are not eligible for the federal Supplemental Security Income program, known as SSI, which provides stipends to low-income individuals who are elderly, blind, or disabled. Kentucky, by contrast, received over \$1.1 billion in SSI funding in 2009 to help its most vulnerable residents.

One final example: Puerto Rico has almost three times the geographic area that Rhode Island does. But in 2009, Rhode Island received nearly twice the amount of federal funding for highway construction. I could go on and on, but I don't want to depress you any more than I have to in order to make my point.

Of course, you will rarely hear defenders of the status quo cite or even acknowledge these statistics, because they demolish the economic argument against statehood. Instead, champions of the current status use scare tactics, insisting that residents of Puerto Rico will be required to pay higher taxes if the Island becomes a state. This argument is unsophisticated, unserious, and unworthy of the people of Puerto Rico. First of all, even putting aside the many benefits that would accrue to Puerto Rico if we enjoyed the right to vote for president and to elect two U.S. senators and at least six U.S. representatives, the benefits of full inclusion in federal programs would vastly outweigh the cost associated with any increased taxes. Second, if Puerto Rico were to become a state, many households on the Island—including nearly all of those with low or moderate incomes—would see no increase or even a decrease in their total tax liability. This is because non-wealthy residents of the states have access to certain refundable federal tax credits, like the Earned Income Tax Credit and the Child Tax Credit, that do not currently apply in Puerto Rico or that do not apply fully. In addition, federal law allows residents of the states to deduct any state taxes they pay when filing their federal income tax return, a longstanding rule that proponents of the status quo prefer to ignore. Finally, for those wealthier Island families who might see a modest increase in their total tax liability under statehood—and my family would be among them—I believe this is something to be embraced, not feared. We—you and I—have never sought special treatment or different treatment. We strive only for equal treatment. If we are willing to enjoy the many benefits of statehood, then we must be willing to shoulder the responsibilities of statehood as well. Not merely willing, but indeed *honored* to contribute our fair share.

Before I move on, let me quickly address one other argument I often hear used to defend the current status and to undermine the case for statehood. This is the familiar argument that Puerto Rico's unique and vibrant culture would somehow be damaged if the Island were to become a state. I confess that I think this argument is so flimsy—and so easily disproved by examining the examples

of Alaska and Hawaii—that it hardly merits a rebuttal. But let me state it clearly. Our history, our traditions, our language, our faith, our food, our music, our dance, our art, our love of family, and our embrace of life—these things constitute the very essence of what it means to be Puerto Rican. Nothing—least of all statehood—could ever diminish their power or their role in our lives. Our culture is simply too strong and too resilient.

And with all due respect to my political opponents in San Juan, let me say this to them: the people of Puerto Rico will always love to watch Island athletes in action, regardless of the team they may be playing for. We will be no less proud of their achievements if they are representing not only Puerto Rico, but the United States of America as well.

## **H.R. 2499**

I want to turn now to H.R. 2499—to explain why I introduced it and what its passage by the House really means.

As all of you know, Puerto Rico does not need Congress's approval or permission to hold a plebiscite on its political future. The Island government can hold a plebiscite anytime it pleases, and we have already held three such plebiscites—in July 1967, November 1993 and December 1998.

Given this fact, why did Governor Fortuno and I choose to introduce a status bill in Congress, rather than simply calling for a local plebiscite soon after we assumed office in January 2009, as some urged us to do?

There were two primary reasons. First, Puerto Rico has been a territory of the United States for 112 years—since 1898. Naturally, after all these years, there are some folks in Puerto Rico who question whether the U.S. Congress would consent to a change in the Island's status if a majority of Puerto Ricans were to express a desire for such a change. The U.S. House of Representatives, comprised of 435 voting members representing every part of this country, is often called "the People's House." When the People's House voted overwhelmingly—and in rare bipartisan fashion—to approve 2499, it sent a clear message to the people of Puerto Rico. The message that Congress delivered is that it will take very seriously—and work to implement on terms it accepts—the results of any fair plebiscite held on the Island. Therefore, notwithstanding the Senate's inaction, it can no longer be reasonably argued that the forthcoming plebiscite in Puerto Rico will merely be a beauty contest. To the contrary, it will be a real vote with real implications for Puerto Rico's destiny.

The second reason that Governor Fortuño and I decided to pursue this strategy is even more fundamental. We believed that it was essential for Congress, through legislation, to clarify the valid alternatives to the current territorial status, since there continues to be confusion in Puerto Rico on this score. As you know, this uncertainty is caused by the fact that PDP leaders have been promoting a pie-in-the-sky proposal—known as "enhanced Commonwealth" or "developed Commonwealth"—under which Puerto Rico would receive more federal benefits than it does now, while also having the power to decide which federal laws apply to the Island. As the Committee on Natural Resources observed in its report accompanying 2499, "proposals for such a governing arrangement have been consistently opposed by federal authorities in the executive and legislative branches . . . on both constitutional and policy grounds." The Committee report also noted that such proposals had resulted in "misinformed and inconclusive referenda" in Puerto Rico in 1967, 1993 and 1998. As the Committee concluded, 2499 would "clarify the viable status options and thereby ensure that the self-determination process is well-informed and productive."

And that is precisely what happened. The House-passed version of 2499 confirmed beyond any doubt that Puerto Rico has four—and only four—viable status options: the Island's current territorial status, independence, statehood, and free association. The bill delivered a fatal blow to the notion that "enhanced Commonwealth" is a feasible status option. With all due respect, Island leaders who continue to promote this option are not being honest with the people of Puerto Rico.

Following House passage of 2499, the Senate Committee on Energy and Natural Resources held a hearing on the bill. Although Senate action would have been icing on the cake, I was among the first to acknowledge that the path forward in the Senate would be rocky, because Puerto Rico has no representation in that chamber, the Senate has not acted on hundreds of other House-passed bills, and the Senate's election-year calendar was very full. In the final analysis, Senate inaction on 2499 neither surprises nor concerns me, because we have accomplished what we set out to do: first, to assure the people of Puerto Rico that Congress will take their views seriously and, second, to clarify the status options available to them. As a result, the men and women of Puerto Rico will be heard from on the subject of their political destiny—in a *meaningful* vote among *real* choices.

## **The Plebiscite**

Now before I finish, I would like to say a few words about this plebiscite. As I have stated publicly on multiple occasions, I believe the most sensible time to conduct the plebiscite is in 2011, ideally towards the middle of the year. The precise content of the ballot has yet to be determined, and I will make every effort to ensure that it is fairly and intelligently drafted. My two guiding principles will be the following.

First, the ballot cannot include any status option that was not identified as viable in the House-passed version of 2499. Accordingly, there can be no "enhanced Commonwealth" option and no "None of the Above" option. The ballot, like 2499 itself, must show respect for the people of Puerto Rico by leveling with them about their real choices.

Second, while the ballot in the upcoming plebiscite need not track 2499 verbatim, it should not contravene, disregard or stray from the clear intent of Congress. We must always bear in mind that for a change in Puerto Rico's status to occur, two things must take place: Puerto Rico must express a desire for a new status and Congress must agree to grant that request. It would be self-defeating to craft a plebiscite ballot whose fairness Congress would question, because Congress could simply decline to implement the results—and then what have we gained? So you can rest assured that I will do everything in my power to ensure that the ballot is faithful to the principles I have just described.

In closing, let me state clearly what I hope the members of PRSSA and others in the pro-statehood movement will do in the coming months. Until now, our strategy has been aimed at Washington. And we have accomplished what we set out to do here. Now, all our attention must turn to San Juan—and to Ponce, and to Mayagüez, and to Caguas, and to every other municipality in Puerto Rico. All of our efforts should be directed towards the upcoming plebiscite and, in particular, towards convincing the many persuadable-but-not-yet-persuaded voters that statehood is the most principled and the most prudent status choice. Use all the tools at your disposal, including the Internet and face-to-face advocacy. Write op-eds. Hold informational briefings on the Island to educate the citizenry. Make reasoned arguments and be respectful. In recent years, support for statehood in Puerto Rico has steadily grown. If we work hard—and if we work smart—I know we can make our dream a reality. Let's get moving.

Thank you all.