

*The previous issue of THE SOCIAL CONTRACT contained an article by Gerda Bikales and Steve Workings on the English language issue as it pertains to possible statehood for the Commonwealth of Puerto Rico. A Senate committee, under the chairmanship of Senator J. Bennett Johnston (D-La), was conducting hearings as to whether Congress should authorize a plebiscite on the question. We present a portion of the testimony given by Ruben Berrios-Martinez, President of the Puerto Rico Independence Party on January 30, 1991. On February 27th, in view of the cultural issues, and others dealing with economic and political considerations, the committee failed to report the bill out to the floor because of a tie vote. The Puerto Rican legislature subsequently passed a Spanish-only declaration, eliminating English as one of the two official languages of the island.*

## STATEMENT BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

By Ruben Berrios-Martinez

Senate bill 244, now under consideration by your committee, presents the Senate of the United States with the crucial subjects of ethnicity and nationality which the Puerto Rican case poses.

Vital issues are involved for both the US and Puerto Rico.

The real issue for the US is what type of juridical and political relationship it is willing to venture with a people who constitute a historically distinct nationality, inhabiting a separate and distinct territory, who speak a different language, who aspire to maintain a separate identity, and who happen, through no choice of their own, to be citizens of the US.

The manner in which you deal with this problem will have profound and lasting effects for the US both domestically and internationally.

The real issue facing the people of Puerto Rico is whether they have a future as a distinct nationality or whether, in the long run, they will be integrated or assimilated as a state of the American union.

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Puerto Rico constitutes a distinct nationality by any definition of the term.

For Puerto Ricans of all political persuasions the constituent elements of our national identity are not to be considered in the same category as "old family furniture" or as mere folklore, a term invented in the past century to calm sentiments of nostalgia and which refers to mere remnants of the past rather than to the living present.

I need only remind this Senate that 60 per cent of the population of Puerto Rico does not speak English

after almost a century of American control; and that ALL the political parties of Puerto Rico, including the pro-statehood party, officially proclaim that the Spanish language, and Puerto Rico's culture and way of being are non-negotiable under any status option. No party would stand a chance in Puerto Rican elections if they did not so proclaim. The primary loyalty of Puerto Ricans is to Puerto Rico.

I venture to say that particularly because of its geographic distinctness as an island, because of its population density, Puerto Rico is almost the prototype of a "nationality", and undoubtedly one of the most homogenous nationalities in the New World.

The undeniable fact of the Puerto Rican nationality, let me emphasize, poses a complicated and potentially dangerous issue to the United States; an issue, as I have already noted, totally different from that faced by the US when dealing with the problem of national minorities within a pluralistic society.

National minorities, because of their relative dispersion or lack of natural boundaries, do not typically have the alternative to form a territorial nation-state. The alternatives of national minorities in pluralistic societies are largely limited to either assimilation, or the acceptance of minority status with recognition of some particular characteristics while struggling for equal treatment with the mainstream dominant sectors of society.

In the US, for example, ethnic minorities may retain folkloric and idiosyncratic traits, but they coalesce around the American way of life. There can

be no doubt that after 200 years there exists a well-defined American nationality in the cultural and social sense of that term. The US is a unitary, not a multinational country. It is a country where the nation-state has created the nationality, instead of the nationality creating the nation-state.

In light of the above, unless Puerto Rico moves toward independence, sooner or later the United States will have to face the following question: Is the US willing to accept as a member of the union, a state which constitutes a distinct nationality whose members, moreover, are not willing to give up their own separate identity? If not, what are you going to do with the territory [of Puerto Rico]?

I pose these questions now because, regardless of the results of the proposed referendum, present-day dependence on, and subordination to, the United States (embodied in the Commonwealth relationship) will inevitably breed a statehood majority in Puerto Rico unless new policies are developed to alter the prevailing trend. This is an inevitable development -- although at a cultural, not political, level Puerto Rico's vocation for separateness has continued to strengthen.

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***"Majorities and minorities come and go, but nationalities remain and Puerto Rican 'independistas' will never give up our inalienable right to struggle for independence."***

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I need only remind this Congress that the pro-statehood vote in 1950 was approximately 15 per cent while, according to recent polls, it is now approaching the 50 per cent level.

What is now happening in the Baltic states, in Yugoslavia, in Ireland, in the Basque country, in Quebec, in Eritrea or in Kashmir should provide sufficient warning of what could happen if Puerto Rico ever became a state. Moreover, some of these problems might, in fact, be mild in comparison to the potential problem which Puerto Rico could create.

Puerto Rico is not an isolated nationality like Lithuania or Croatia. Puerto Rico is part of a very large and important Latin American community of nations. Latin America will be permanently resentful

of a big, powerful nation which has swallowed one of their own. Evidence of this is already before the White House through communications which several Latin American presidents have made to President Bush.

Moreover, citizens of Hispanic or Latin American extraction--a significant portion of them Puerto Ricans--are expected to approximate almost half of the US population by the third decade of the next century. Under such circumstances, a Latin American state like Puerto Rico could become a disrupting and divisive factor threatening the fabric of American federalism. I must also remind this Senate that the right of self-determination is, according to international law, an inalienable right which can never be taken away from a people. It cannot be extinguished by its exercise in violation of the rights of future generations.

Majorities and minorities come and go, but nationalities remain and Puerto Rican 'independistas' will never give up our inalienable right to struggle for independence. And even if we did, who can speak for future generations?

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The fundamental question before this Senate should therefore be: What should be done to avert such dangers?

To start with, the US should face the issue of Puerto Rican statehood immediately. To kill the referendum legislation would be a short-sighted tactic based on the false premise that the possibility of a statehood petition can be wished away. The tough decisions concerning statehood cannot be avoided.

I refer you to Anthony Lake's perceptive reflection when the former State Department Director of Policy Planning reminisced on a foreign policy failure in Latin America:

*When fording a river, it's best to look upstream, to where the force of the water is probably less troublesome, the turbulence of the rapids less dangerous. Indeed, the source of the river may be a spring or small stream whose direction can be easily altered. A stream of events is similar, and in every crisis the foreign policymaker is tempted to look back and say, 'If only...if only we had known a crisis was on the way and acted sooner, when our choices were easier, our influence greater...'*

***"...The United States also has a perfect right to be separate and distinct from Puerto Rico or any other nationality."***

First - That Congress clearly state, through whatever means it deems appropriate, that a petition

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*[The full text of Mr. Berrios' testimony is available from the Emergency Committee on Puerto Rican Statehood and the Status of English in the United States, 1666 Connecticut Ave, NW, Washington DC 20009. A video tape of highlights from the hearings is also available at a cost of \$15 to cover duplication and mailing.]*

DOCTOR, I'VE BEEN SITTING HERE TELLING YOU MY PROBLEMS FOR OVER A YEAR. WHY DON'T YOU TELL ME WHAT I'M DOING WRONG?

PSYCHIATRY

NO HABLO INGLÉS.

THAVES 2-4

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## Reportage

# 14TH ANNUAL NATIONAL LEGAL CONFERENCE ON IMMIGRATION AND REFUGEE POLICY

By Robert Kyser

Assisted by various church agencies responsible for the resettlement of refugees and the Friedrich Ebert Stiftung, the Center for Migration Studies held its 14th annual National Legal Conference on Immigration and Refugee Policy in Washington DC, March 21-22, 1991. In addition to exploring the ramifications of the Immigration Reform Act of 1990, the main topic of discussion for the attending immigration lawyers, caseworkers and program managers seemed to be the impact of proposed free trade zones in Europe and North America on immigration policy.

The conference opened with remarks by Gene McNary, current commissioner of the Immigration and Naturalization Service. In response to complaints about the slow pace of adjudicating cases brought by asylees, Commissioner McNary informed the audience that seven new offices are being created to handle the flow. Training is underway to inform interviewers of the actual civil rights conditions in the sending countries. Fraud-resistant work papers, the encouragement of supervised, legal immigration, and help for migrants who are functionally illiterate in both Spanish and English were listed as further priorities. Mr. McNary acknowledged that budget constraints have limited enforcement and that border control has been most difficult on the Southern border. He reminded the audience that the Border Patrol, begun in 1891, is in its centennial year.

Jerry Tinker from the Subcommittee on Immigration and Refugee Affairs for the US Senate traced some of the history of legislative reform noting how the 1965 legislation failed by skewing nationality and mitigating against skills, the lack of action in the 1970s, and a definite addressing of issues in 1986 and 1990. Because there is a need to revisit these issues frequently rather than every 25 years, the 1990 legislation has been written so as to "tickle" the Congress into reconsideration every three years.

The relation of immigration, both legal and illegal, to a proposed Free Trade Agreement among Mexico, Canada and the United States brought considerable audience response. M. Delal Baer of the Center For Strategic and International Studies sees the immigration issue as one that will be counter-productive to free trade discussions with Mexico; it is a matter of political pragmatism. "There is not a US political constituency for open borders beyond the *Wall Street Journal* and some agricultural interests," Mr. Baer said. President Salinas seems to advance FTA as a way to stabilize migration across the Mexican-US border, but the Mexican left opposes it and raises the immigration issue as a way of killing it. United States unions, environmental groups and human rights activists are politicking against fast-track FTA talks, says Baer.

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***"There is not a political constituency for open borders in the US beyond the Wall Street Journal and some agricultural interests."***

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Luis de la Calle, Office for FTA Negotiations of the Ministry of Commerce and Industrial Development of Mexico, spoke of the fact that "immigration is definitely off the table" in FTA discussions with the US and Canada. Because previous trade policies have not worked, there has been steady progress since 1985 in removing government protectionism from Mexican industry and commerce in the realization that international competition is a challenge for all countries and that a North American Free Trade Area would be a benefit to all three economies.

Two additional speakers, or "reactors" to this panel, spoke in favor of FTA. Diego Asencio,