

## Puerto Rico's Stellar Vocation

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## ESSAY

### PUERTO RICO'S STELLAR VOCATION

*Hon. Luis G. Fortuño, Governor of Puerto Rico\**

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#### INTRODUCTION

You know, nature's seasons, and much of human history, shows us that sometimes the toughest times are the prelude to renewal and the dawn of the most surprisingly beautiful times.

We also know that when it comes to the temporal affairs of humankind, we cannot count on determinism. The extent to which peace follows war, recovery follows recession, and injustice is corrected depends on the actions we take, both individually and collectively.

There is no doubt that from a political point of view, for so many of our fellow Americans, what makes Puerto Rico of real interest and curiosity is the possibility that this shining star of ours in the Caribbean will finally become a full-fledged part of this great nation, as the fifty-first state of the Union.

In the context of America, let us understand, first, that Puerto Rico does have a stellar vocation, and the island does shine in so many ways. Cornell is very much a part of the equation, through the observatory at Arecibo.<sup>1</sup>

Since 1963, the largest and most sensitive radio telescope on earth, the Arecibo Observatory, has literally expanded the knowledge of all mankind.<sup>2</sup> It was there where astronomers first discovered planets outside the solar system.<sup>3</sup> The work being done today by the Arecibo Observatory in the study of pulsars, plasma physics, and near-earth aster-

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\* This speech was delivered at Cornell University on March 8, 2010. It has been slightly modified for publication.

<sup>1</sup> See ARECIBO OBSERVATORY, [http://www.naic.edu/public/descrip\\_eng.htm](http://www.naic.edu/public/descrip_eng.htm) (last visited Oct. 15, 2010).

<sup>2</sup> See *id.*

<sup>3</sup> See *Arecibo Observatory Accomplishments*, NAT'L ASTRONOMY AND IONOSPHERE CENTER – ARECIBO OBSERVATORY, <http://www.naic.edu/public/discovrs.htm> (last visited Apr. 18, 2010).

oids is just as amazing, and important. That is why in Congress—and now as Governor—I have been committed to making sure that work goes on.<sup>4</sup> Allow me to take this opportunity to thank Cornell University for its leading role in the operation of the Arecibo Observatory.<sup>5</sup>

I would also like to mention the impact the Observatory has had on our young people. The Observatory attracts over 100,000 visitors every year; about 30,000 of whom are schoolchildren.<sup>6</sup> Less than fifty miles from the Observatory is the Mayagüez campus of the University of Puerto Rico.<sup>7</sup> It is no accident that UPR Mayagüez graduates more Hispanic engineers than any other university in the United States.<sup>8</sup> And hundreds of those graduates today happen to be working at NASA.<sup>9</sup>

The Arecibo Observatory is a legacy for all mankind. The financing and research partnerships that make the work of the Observatory possible, starting with this higher education institution, should be strengthened and expanded. The challenge for all of us is to use our creative capacities and commitment to do just that.

## I. PUERTO RICO'S ECONOMY

Whether the issue is the future of the Observatory, the future of Puerto Rico, or the nation as a whole, we have to be cognizant of the fact that we live in extraordinarily tough times. We are coming out of the biggest economic downturn since the Great Depression of the 1930s. We are literally digging ourselves out of a hole. What I do not want to see us do at the national level is end up digging ourselves into another one.

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<sup>4</sup> See H.R. 3737, 110th Cong. (2007); Lauren Gold, *Congress Gets Bill to Save Arecibo Observatory*, CORNELL CHRON. ONLINE, Oct. 3, 2007, <http://www.news.cornell.edu/stories/Oct07/Arecibo.bill.lg.html> (“Congressmen Luis Fortuño of Puerto Rico and Dana Rohrabacher of California have introduced legislation in the U.S. House of Representatives to ensure continued operation of the Arecibo Observatory in Puerto Rico. They want to guarantee future federal funding for the astronomical and radar-imaging facility.”).

<sup>5</sup> See ARECIBO OBSERVATORY, [http://www.naic.edu/public/descrip\\_eng.htm](http://www.naic.edu/public/descrip_eng.htm).

<sup>6</sup> See *Angel Ramos Foundation Visitor Center*, NAT'L ASTRONOMY AND IONOSPHERE CENTER – ARECIBO OBSERVATORY, [http://www.naic.edu/outreach/describe\\_fset.htm](http://www.naic.edu/outreach/describe_fset.htm) (last visited Oct. 15, 2010).

<sup>7</sup> UNIVERSIDAD DE PUERTO RICO EN ARECIBO, <http://www.upra.edu/> (last visited Apr. 18, 2010).

<sup>8</sup> Bruce E. Phillips, *The Top Schools for Hispanics*, HISP. ENGINEER & INFO. TECH. ONLINE, <http://www.hispanicengineer.com/Editorial/top%20schools.shtml> (last visited Apr. 18, 2010).

<sup>9</sup> See *Puerto Rico, Changing the Guard*, SUMMIT COMM. 4 (2008), available at <http://www.summitreports.com/pdfs/puertorico2008.pdf>; *Puerto Rico's Educated Workforce*, PUERTO RICO INDUS. DEVELOPMENT COMPANY, [http://www.pridco.com/english/operational\\_advantages/4.1opr\\_adv\\_workforce.html](http://www.pridco.com/english/operational_advantages/4.1opr_adv_workforce.html) (last visited Aug. 20, 2010) (“The University of Puerto Rico-Mayagüez ranks first in producing Latin American engineers in the United States, sending many of its graduates to jobs at NASA.”).

When I took office in January of last year, what I encountered was a fiscal deficit of over \$3.2 billion.<sup>10</sup> That amount was more than four times the amount that had been certified to us during the transition period.<sup>11</sup> In proportional terms, it was higher than California's deficit, and for that matter, higher than that of any other state or territory in the rest of the country.<sup>12</sup>

Let there be no doubt that within my sphere of action as governor, my biggest immediate priority from the outset has been 1.) put our fiscal house in order, 2.) spur private sector growth and 3.) establish a solid foundation upon which we can build a new era of economic growth.

It turned out that since June of 2008, the government of Puerto Rico had stopped paying rent, its electricity bills, its water bills, and its telephone bills.<sup>13</sup> It owed more than \$1 billion to suppliers.

The previous administration had brought Puerto Rico to the brink of bankruptcy. Our credit rating was on the verge of being downgraded to junk status.<sup>14</sup> In layman's terms, that meant we were about to lose the house. But as I told the folks back home last March, I did not come to look back. I came to go forward and take action to overcome the crisis.

Thankfully, we saved our credit on Wall Street by taking immediate steps of fiscal discipline.<sup>15</sup> I started at the top. I cut my own salary, and all cabinet secretary salaries.<sup>16</sup> I eliminated thirty percent of government political appointee positions,<sup>17</sup> cut operating expenses by ten percent

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<sup>10</sup> See Danica Coto, *PRico Slashes More than 2,400 Jobs in Struggle to Pare \$3.2 Billion Deficit, Avoid Shutdown*, WASH. EXAMINER, Jan. 8, 2010, available at <http://www.washingtonexaminer.com/economy/prico-slashes-more-than-2400-jobs-in-struggle-to-pare-32-billion-deficit-avoid-shutdown-81033887.html#ixzz0jv5zlgmr>; *Economic Development*, P.R. FED. AFFAIRS ADMIN., [http://www.prfaa.com/issues\\_economicdev.asp](http://www.prfaa.com/issues_economicdev.asp) (last visited Apr. 18, 2010).

<sup>11</sup> Luis G. Fortuño, Governor of P.R., Remarks to Northeast Regional Leaders Breakfast (Aug. 25, 2009), available at <http://www.prfaa.com/news/?p=302>.

<sup>12</sup> Cf. Richard Rahn, *Choosing Fantasy or Facts*, WASH. TIMES, Nov. 5, 2009, available at <http://www.washingtontimes.com/news/2009/nov/05/choosing-fantasy-or-facts/>; Jennifer Steinhauer, *Plan to Close California's Budget Deficit*, N.Y. TIMES, Jan. 8, 2010, at A11, available at <http://www.nytimes.com/2010/01/09/us/09calif.html>.

<sup>13</sup> See P.R. PUB.-PRIVATE P'SHIPS AUTH., COMMONW. OF P.R., FIN. INFO. AND OPERATING DATA REPORT 5 (2009), available at <http://www.p3.gov.pr/wp-content/uploads/2010/05/ELAFinancialInfoRprt.pdf>; see also CENTER FOR THE NEW ECONOMY, DARKNESS VISIBLE: A FINANCIAL ANALYSIS OF THE PUERTO RICO ELECTRIC POWER AUTHORITY June 2010, 18–19 (2010), [http://www.grupocne.org/publications/darkness\\_visible\\_June\\_2010.pdf](http://www.grupocne.org/publications/darkness_visible_June_2010.pdf) ("The central government paid all its past due accounts as of June 30, 2009 and had an outstanding balance of less than \$28 million. . . .").

<sup>14</sup> See Jerry Hart, *Puerto Rico Takes Steps to Save Credit Rating, S&P Analyst Says*, BLOOMBERG NEWS, Mar. 9, 2009, available at <http://www.bloomberg.com/apps/news?pid=20601103&sid=ArreUHLrLVcE>.

<sup>15</sup> See *id.*

<sup>16</sup> See *Puerto Rico's Governor Says 'Government is Bankrupt'*, CNN.COM, Mar. 3, 2009, <http://edition.cnn.com/2009/WORLD/americas/03/03/puerto.rico.economy/index.html>

<sup>17</sup> Tom Squitieri, *A Godsend to the GOP*, NEWSMAX MAG., Mar. 10, 2010, <http://w3.newsmax.com/a/mar10/fortuno/>.

across the board,<sup>18</sup> and pushed legislation to freeze all government salaries and benefits for two years.<sup>19</sup>

We set in motion a plan to incentivize voluntary retirement and to transition government employees to the private sector.<sup>20</sup> As a last resort, we began the difficult process of layoffs, starting with those who had most recently entered the government workforce.<sup>21</sup> It's a very tough process, and one that other states and jurisdictions throughout the country are also going through.

We are now in the midst of an across-the-board program to reorganize and transform the government. This program will ensure that in the future, the government remains lean, agile and efficient. All in all, \$2 billion will be slashed from our budget in our first fiscal year.<sup>22</sup> As I have frequently said, the time has come for our government to act as every American family does, including those in Puerto Rico, and live within its means.

In moving towards economic recovery, we launched a local stimulus program.<sup>23</sup> This includes funds to help low-income families buy homes, the construction of new low-cost housing, and guaranteed loans to small- and medium-sized businesses.<sup>24</sup> We approved a complete overhaul of our permit system to streamline and simplify our permit process and to jump-start new private sector investment.<sup>25</sup>

Last summer, we also pushed through what many consider the most advanced public-private partnership (P3) legislation in the nation.<sup>26</sup> The importance of these partnerships is that they will allow us to continue developing infrastructure and state of the art public services in a way that does not cost additional money to taxpayers.

Over the next few years, our P3 program will generate \$7 billion in new investment in infrastructure and the creation of tens of thousands of

<sup>18</sup> *Economic Development*, P.R. FED. AFFAIRS ADMIN., [http://www.prfaa.com/issues\\_economicdev.asp](http://www.prfaa.com/issues_economicdev.asp) (last visited Apr. 18, 2010).

<sup>19</sup> See *Puerto Rico Plans to Slash 30,000 Government Jobs*, REUTERS, Mar. 3, 2009, <http://www.reuters.com/article/idUSN0350631020090303>.

<sup>20</sup> *Puerto Rico Plans to Slash 30,000 Government Jobs*, REUTERS, Mar. 3, 2009, <http://www.reuters.com/article/idUSN0350631020090303>; Luis G. Fortuño, Governor, Puerto Rico, Remarks to Northeast Regional Leaders Breakfast (Aug. 25, 2009), available at <http://www.prfaa.com/news/?p=302>.

<sup>21</sup> *Puerto Rico Plans to Slash 30,000 Government Jobs*, *supra* note 19.

<sup>22</sup> See Hart, *supra* note 14.

<sup>23</sup> *Id.*

<sup>24</sup> *Puerto Rico Plans to Slash 30,000 Government Jobs*, *supra* note 19.

<sup>25</sup> See Press Release, S. Governors' Ass'n, P.R. Gov. Fortuño Participates in the Convention of the College of Engineers and Surveyors (Aug. 7, 2009) available at <http://www.southern-governors.org/MySGA/EditContent/Articles/tabid/227/articleType/ArticleView/articleId/4248/Default.aspx>.

<sup>26</sup> See Public-Private Partnership Act, S.B. 469, Act No. 29, 16th Leg., 1st. Sess. (P.R. 2009), available at <http://www.oslpr.org/download/en/2009/A-0029-2009.pdf>.

jobs.<sup>27</sup> It is all part of a new strategic model for a new economy with three basic pillars: restoring growth, improving our infrastructure, and strengthening our competitiveness.<sup>28</sup> Since we started these efforts, in just the past year Puerto Rico has received its first credit upgrade in 10 years.<sup>29</sup> For the first time in over a decade, the revenues of the Government of Puerto Rico are now in line with our budget.<sup>30</sup> And our Council of Economists<sup>31</sup>—a group of independent, highly-respected practitioners in their field—has announced that our economy has entered a stabilization phase and is projected to enter a full recovery phase later this year.<sup>32</sup>

Moreover, as we speak, we are working on legislation to lower individual and corporate taxes across the board to spur economic growth. I am convinced that a dollar in the people's hands will be much better used than a dollar in the hands of the government.

What is disturbing to me as a governor and as a citizen, when I look at the direction the nation is headed in right now, is that Washington is in the grips of an unsustainable agenda of big government and incredible deficit spending. The motor of our economy is not the government, but our people—their creativity, ingenuity, and hard work.

## II. PUERTO RICO'S STATUS AS A TERRITORY

What makes the current juncture at the national level even more challenging for us in Puerto Rico is precisely our inherently inequitable status as a territory.<sup>33</sup> When it comes to the laws that govern us at the federal level, we do not have a place at the table.

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<sup>27</sup> See *id.*

<sup>28</sup> See *Strategic Model for a New Economy*, P.R. FED. AFFAIRS ADMIN., Oct. 8, 2009 <http://www.prfaa.com/news/?p=449>.

<sup>29</sup> *Moody's Improves Commonwealth of Puerto Rico's Credit Outlook to Positive from Stable*, P.R. HERALD, Mar. 10, 2000, <http://www.puertorico-herald.org/issues/vol4n11/MoodysImproves-en.html>.

<sup>30</sup> See Hart, *supra* note 14.

<sup>31</sup> *Fortuño Forms Independent Economic Council*, PUERTO RICO DAILY SUN, Nov. 12, 2009, available at <http://www.prdailysun.com/?page=news.article&id=1257992557>; Press Release, for Governor's Council of Economists, Council of Economists to Advise the Governor (Nov. 11, 2009) available at <http://www.gdb-pur.com/documents/2009-11-12-CEG-Anunci-oFormacion-ING.pdf>.

<sup>32</sup> Press Release, Gov't Dev. Bank for P.R., Economic Activity Index for the Semester Ended on December 2009 Reflects Further Initial Signs of Stabilization—Job Growth Recorded in December 2009 in the Private Sector, (Jan. 30, 2010), available at [http://www.bgfpr.com/documents/2009-12-30PR-GDBEconomicActivityIndexDecember\\_000.pdf](http://www.bgfpr.com/documents/2009-12-30PR-GDBEconomicActivityIndexDecember_000.pdf).

<sup>33</sup> See, e.g., *Igartua-De La Rosa v. United States*, 417 F.3d 145 (1st Cir. 2005) (denying a claim by U.S. residents of Puerto Rico seeking to vote in U.S. Presidential elections); Lisa Maria Perez, *Citizenship Denied: The Insular Cases and the Fourteenth Amendment*, 94 VA. L. REV. 1029, 1034 n.13 (2008) [hereinafter Perez, *Citizenship Denied*] (describing the Insular Cases); see also José R. Coleman Tió, *Democracy, Not Statehood: The Case for Puerto Rican Congressmen*, 116 YALE L.J. POCKET PART 397 (2007), <http://thepocketpart.org/2007/05/19/>

Nothing illustrates the situation better than what we are facing right now with healthcare reform in Congress. We as Americans, whether you are a Republican or a Democrat, have disagreements about the nature of federal healthcare reform—about what should and should not be included. But what we should be able to agree upon is that all our nation's citizens, no matter where they live, should have equal access to health care. That includes existing federal healthcare programs, along with the new provisions for health care that are being trotted out in the new reform.<sup>34</sup>

If the national goal is equal access to quality care for all Americans, it cannot be achieved unless and until the four million U.S. citizens of Puerto Rico<sup>35</sup> are fully and equally included.

The health care reform proposal that came out of the White House last month does not do that.<sup>36</sup> It actually fails to reflect previous commitments by the President to move Puerto Rico towards equality. It's a real step backward, in comparison to the step forward the House took last year on this same issue.

Our lack of equal treatment at the federal level in health care means that each year our health care infrastructure on the island, and the American citizens in Puerto Rico that need help the most, are shortchanged by billions of dollars, in comparison to their fellow citizens on the mainland.

But health care is only the most striking example of the inequities of the chronically dysfunctional, and basically disenfranchised, territorial status of Puerto Rico. The inequities are both economic and civic, and go to the very heart of what it means to be a full-fledged citizen of this Nation.

And so we come to the matter of Puerto Rico's place at the table in the family that we call America. For four million of your fellow citizens

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coleman.html (noting that Puerto Rico has no voting power in Congress, but must still abide by federal laws and regulations).

<sup>34</sup> See The Patient Protection and Affordable Care Act, H.R. 3590, 111th Cong. (2010) (enacted); see also Patient Protection and Affordable Care Act as amended by H.R. 4872, the Reconciliation Act of 2010, March 26, 2010, available at <http://www.ncsl.org/documents/health/HR4872Final.pdf> (last visited Apr. 18, 2010).

<sup>35</sup> *People - Puerto Rico*, CIA - THE WORLD FACTBOOK, <https://www.cia.gov/library/publications/the-world-factbook/geos/rq.html> (last visited Apr. 12, 2010).

<sup>36</sup> *CHC: Passage of President Obama's Health Care Reform Proposal Would Improve Quality of Life for Latinos*, THE MEDICAL NEWS, Mar. 19, 2010, <http://www.news-medical.net/news/20100319/CHC-Passage-of-President-Obamas-health-care-reform-proposal-would-improve-quality-of-life-for-Latinos.aspx> (last visited Apr. 2, 2010) (noting that since the president's bill included fairer treatment of the Puerto Rican people, Puerto Rican Representative Pedro Pierluisi responded "I am so pleased that the reconciliation bill released today provides fair and just treatment to the 4.4 million Americans living in Puerto Rico and its sister territories, who have been treated unequally under federal health programs for too long. Today's bill constitutes a remarkable reversal from where we stood just a few weeks ago.").

in the Caribbean, it is the great, unfinished business of American democracy.

My own preference for the final status of Puerto Rico is well-known.<sup>37</sup> I believe in equality. Our people are capable—they are ready and they are able—to assume the full rights and obligations of the citizenship we share.<sup>38</sup>

As I see it, to seek other solutions, or to forego equality, is to forego the very nature of American citizenship. It is contrary to this extraordinary experiment that we call America.

But the issue now before the nation is whether to take this matter, once and for all, directly to the people by asking the people of Puerto Rico if they want to continue in their current status.

It's something that has never been done, in the 112 years that Puerto Rico has been a territory of the United States.<sup>39</sup> It is the right thing to do. And that is why, today, 181 members of Congress, both Democrats and Republicans, are co-sponsors of H.R. 2499, the Puerto Rico Democracy Act, which was authored by our non-voting representative in Congress, Pedro Pierluisi.<sup>40</sup>

The Puerto Rico Democracy Act is the right thing to do because for the first time Congress will directly consult the people of Puerto Rico on their preferences, beginning with an up or down vote on the status quo.<sup>41</sup>

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<sup>37</sup> Luis G. Fortuño, Governor of Puerto Rico, Keynote Address to the 2009 National Convention of the League of United Latin American Citizens (July 14, 2009), available at <http://www.prfaa.com/news/?p=236> (“But if instead, as I am convinced, the people of Puerto Rico are ready for change. . . then they must choose among the constitutionally valid, permanent, non-territorial options of statehood, independence or sovereignty in association with the United States. No smoke and mirrors allowed. When Puerto Ricans do choose, I believe they will choose . . . with me . . . to join their destiny to yours . . . as full citizens of the [United States].”).

<sup>38</sup> 8 U.S.C. § 1402 (2006) (“All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are citizens of the United States at birth.”).

<sup>39</sup> Cf. Luis Fuentes-Rohwer, *Bringing Democracy to Puerto Rico: A Rejoinder*, 11 HARVARD LATINO L. REV. 157, 163–65 (2008) (demonstrating the results of previous plebiscites).

<sup>40</sup> Puerto Rico Democracy Act of 2010, H.R. 2499, 111th Cong. (2d Sess. 2010), available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=F:h2499rfs.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=F:h2499rfs.txt.pdf) (demonstrating that the Act passed in the House of Representatives and is now in the Senate Committee on Energy and Natural Resources where hearings have begun).

<sup>41</sup> *Id.* (The Act provides for two votes. The first, according to the act, has “[two] options set forth on the ballot [which] shall be preceded by the following statement: ‘Instructions: Mark one of the following 2 options: ‘(1) Puerto Rico should continue to have its present form of political status. If you agree, mark here.’ ‘(2) Puerto Rico should have a different political status. If you agree, mark here.’”).



The bill does not favor or exclude any status option, much less mandate any outcome.<sup>42</sup>

But it does take seriously the right of the people to express themselves on this basic issue of democracy. And if in such a vote the current status no longer enjoys the support of the majority, then the time will have come for the people to choose among options that are recognized by the Justice Department under the last three Presidents as valid, permanent, and non-territorial: and those are either independence, sovereign association, or statehood.<sup>43</sup> Whatever choice the people make in such a vote, it will not be self-executing, but will be subject to further consideration—both by Congress and the people of Puerto Rico—as to the next step to take.<sup>44</sup>

Last fall, the Puerto Rico Democracy Act was overwhelmingly approved by the House Natural Resources Committee.<sup>45</sup> It is now ready to go to the floor of the House, and it should be enthusiastically approved.<sup>46</sup> With that momentum, the time will have come for the Senate to do likewise, and for the President to sign the bill into law.

In 2008, both the Democratic Party and the Republican Party platforms recognized the need for action on this issue.<sup>47</sup> The Democratic

<sup>42</sup> See *id.*

<sup>43</sup> See REPORT BY THE PRESIDENT'S TASK FORCE ON PUERTO RICO'S STATUS (2007), available at <http://www.justice.gov/opa/documents/2007-report-by-the-president-task-force-on-puerto-rico-status.pdf>; *White House Task Force Hears Puerto Rico Grievances*, REUTERS Mar. 3, 2010, <http://www.reuters.com/article/idUSTRE6225HU20100303>.

<sup>44</sup> See H. R. 2499 (“(b) Procedure if Majority in First Plebiscite Favors Option 1.—If a majority of the ballots in the plebiscite are cast in favor of Option 1, the Government of Puerto Rico is authorized to conduct additional plebiscites under subsection (a) at intervals of every 8 years from the date that the results of the prior plebiscite are certified under section 3(d). (c) Procedure if Majority in First Plebiscite Favors Option 2.—If a majority of the ballots in a plebiscite conducted pursuant to subsection (a) or (b) are cast in favor of Option 2, the Government of Puerto Rico is authorized to conduct a plebiscite on the following 3 options: (1) Independence: Puerto Rico should become fully independent from the United States. If you agree, mark here. (2) Sovereignty in Association with the United States: Puerto Rico and the United States should form a political association between sovereign nations that will not be subject to the Territorial Clause of the United States Constitution. If you agree, mark here. (3) Statehood: Puerto Rico should be admitted as a State of the Union. If you agree, mark here.”).

<sup>45</sup> *Bill to Decide Puerto Rico's Status Moves Forward*, ABCNEWS.COM, July 22, 2009, <http://abcnews.go.com/Politics/wireStory?id=8149090>.

<sup>46</sup> H. R. 2499. The bill was passed in the House on April 29, 2010, by a vote of 223–162, and currently sits in the Senate. On May 19, 2010, the Senate Committee on Energy and Natural Resources held a hearing on the bill. *Bill Summary & Status, 111th Congress (2009 - 2010), H.R.2499, All Information*, THOMAS – LIBRARY OF CONGRESS, <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:1:/temp/~bdBW0i:@@R—/home/LegislativeData.php?n=BSS;c=111> (last visited Oct. 15, 2010).

<sup>47</sup> See DEMOCRATIC NAT'L CONVENTION COMM., THE 2008 DEMOCRATIC PLATFORM: RENOVING AMERICA'S PROMISE (2008) available at [http://s3.amazonaws.com/apache.3cdn.net/8a738445026d1d5f0f\\_bcm6b517a.pdf](http://s3.amazonaws.com/apache.3cdn.net/8a738445026d1d5f0f_bcm6b517a.pdf) [hereinafter 2008 DEMOCRATIC PLATFORM] (“We believe that the people of Puerto Rico have the right to the political status of their choice, obtained through a fair, neutral, and democratic process of self-determination.”); REPUBLICAN

Party platform pledge was for the White House and Congress to work to resolve the question of Puerto Rico's status during the current four-year term that began last January.<sup>48</sup> President Obama reiterated that pledge to the people of Puerto Rico in a letter he made public on the day of my inauguration as Governor.<sup>49</sup> The Republican Party platform supports, and I quote, "the right of the United States citizens of Puerto Rico to be admitted to the Union as a fully sovereign state after they freely so determine."<sup>50</sup> It also calls for status referenda.<sup>51</sup>

The fundamental issue that the Puerto Rico Democracy Act brings before Congress and the American people is this: The people of Puerto Rico have a right to a form of government that would provide them with equal voting representation in the government that makes and implements their national laws and to determine their preference regarding the island's status among all of the possible options.

The urgency of this matter is not only Puerto Rico's, but the nation's. As the President himself has said, support for democracy begins at home.<sup>52</sup>

#### CONCLUSION

I have a vision of Puerto Rico, and of America, where a wall of political inequality created by an anachronistic territorial status does not separate citizens of the island from those on the mainland.<sup>53</sup> I see a Pu-

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NAT'L COMM., 2008 REPUBLICAN PLATFORM, <http://www.gop.com/2008Platform/GovernmentReform.htm> (last visited Apr. 3, 2010) [hereinafter 2008 REPUBLICAN PLATFORM] ("We support the right of the United States citizens of Puerto Rico to be admitted to the Union as a fully sovereign state after they freely so determine.").

<sup>48</sup> 2008 DEMOCRATIC PLATFORM, *supra* note 47.

<sup>49</sup> See *Fortuño Favors Status Discussion in Washington*, P.R. FED. AFFAIRS ADMIN., May 20, 2009, <http://www.prfaa.com/news/?p=86>.

<sup>50</sup> 2008 REPUBLICAN PLATFORM, *supra* note 47.

<sup>51</sup> *Id.*

<sup>52</sup> *Strengthening Our Common Security by Investing In Our Common Community*, BARACKOBAMA.COM 5 (2008), available at [http://www.barackobama.com/pdf/issues/Fact\\_Sheet\\_Foreign\\_Policy\\_Democratization\\_and\\_Development\\_FINAL.pdf](http://www.barackobama.com/pdf/issues/Fact_Sheet_Foreign_Policy_Democratization_and_Development_FINAL.pdf).

<sup>53</sup> See generally Perez, *Citizenship Denied*, *supra* note 33, at 1034 n.13 (2008) (describing the Insular Cases, cases establishing Puerto Rico's unusual status as an unincorporated territory, in great detail. Cases traditionally included among the Insular Cases are: *Balzac v. Porto Rico*, 258 U.S. 298 (1922); *Ocampo v. United States*, 234 U.S. 91 (1914); *Ochoa v. Hernandez y Morales*, 230 U.S. 139 (1913); *Dowdell v. United States*, 221 U.S. 325 (1911); *New York ex rel. Kopel v. Bingham*, 211 U.S. 468 (1909); *Kent v. Porto Rico*, 207 U.S. 113 (1907); *Grafton v. United States*, 206 U.S. 333 (1907); *Trono v. United States*, 199 U.S. 521 (1905); *Rassmussen v. United States*, 197 U.S. 516 (1905); *Mendezona y Mendezona v. United States*, 195 U.S. 158 (1904); *Kepner v. United States*, 195 U.S. 100 (1904); *Gonzalez v. Williams*, 192 U.S. 1 (1904); *Dorr v. United States*, 195 U.S. 138 (1904); *Hawaii v. Mankichi*, 190 U.S. 197 (1903); *Pepke v. United States*, 183 U.S. 176 (1901); *Dooley v. United States*, 183 U.S. 151 (1901); *Goetze v. United States*, 182 U.S. 221 (1901); *Huus v. N.Y. & P.R. Steamship Co.*, 182 U.S. 392 (1901); *Downes v. Bidwell*, 182 U.S. 244 (1901); *Dooley v. United States*, 182 U.S. 222 (1901); *De Lima v. Bidwell*, 182 U.S. 1 (1901); *Cross-*

erto Rico that finally takes its rightful place at the table of the American family, with the same rights and responsibilities as all the rest of the states. I see a Puerto Rico prepared to fulfill its potential for social, economic, and political development, and in so doing, will contribute to the enrichment of the nation as a whole. I see a bright star on the horizon, and a brighter constellation on the field of blue we call Old Glory. This is my vision of Puerto Rico, of America, and of a more perfect Union. I hope you share it. And I hope you will help me fight for it.

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man v. United States, 182 U.S. 221 (1901); and *Armstrong v. United States*, 182 U.S. 243 (1901)). *But see* *Torres v. Puerto Rico*, 442 U.S. 465, 474–76 (1979) (Brennan, J., concurring) (arguing that the limitations imposed by the Insular Cases were anachronistic and no longer apply to provisions like the Bill of Rights).