

guages for English, but I do hope to be able to teach people within the mainland United States English so that they can be fully assimilated into the classroom.

Similarly, I would not wish in Puerto Rico to try to substitute our culture for yours, even though there is an awful lot of Spanish culture throughout the mainland U.S. A lot of our words, a lot of our traditions come from the Spanish tradition. The first explorers, even up as far northwest as I live in the United States were Spanish explorers. And we do not wish to deny that in the mainland 48 any more than we wish to deny it here.

I have no doubt that the chairman is correct with respect to practical effects. I would not have us substitute English for Spanish in teaching. I would hope that somewhere along the line the educational authorities in Puerto Rico would recognize the value to the citizens of Puerto Rico of knowing English so that they can more fully participate in United States activities which are, in the main, conducted in English.

I recognize your dilemma. I can certainly recognize your concern. And I hope we can be sympathetic and sensitive to that concern.

Mr. CHARDON. If I may address that point. One of the problems that we have had as to the control of political parties over the entire relation with the United States, it has not been in the interest of any political party to have a majority of the people learn English. Because then they would not have the control and the access. And this is very clear in our history.

Senator McCLURE. Thank you very much.

The CHAIRMAN. Gentlemen, thank you very much. We appreciate your testimony.

Our final witness is Mr. Jesus Hernandez Sanchez, legal advisor to the Puerto Rico Veterans Association.

STATEMENT OF JESUS HERNANDEZ SANCHEZ, COUNSEL, PUERTO RICO VETERANS ASSOCIATION

Mr. HERNANDEZ. Good afternoon, Mr. Chairman and fellow Americans. Because it is getting late and I believe we are hungry, I will try to be very short.

As suggested, I filed 50 copies of my statement on behalf of the veterans. So I will do something, I will skip most of the paragraphs, read some, and then address specifically to the S. 712.

I have with me Mr. Artero Rodriguez, who is the President of the Veterans of Puerto Rico; it is a private association.

First of all, Mr. Chairman, the Veterans of Puerto Rico are against the following things.

First, taking away powers from the Federal Court of Puerto Rico on the Commonwealth;

Second, transferring to the Government of Puerto Rico, the powers of the Veterans Administration on their independence;

Third, allowing the Governor of Puerto Rico to certify the results of the plebiscites;

Fourth, not allowing civic groups to participate in the plebiscite;

Fifth, not allowing Puerto Ricans living in the states to vote in the plebiscites;

Sixth, also we are against the definition of the Commonwealth. I believe and the veterans believe that that is independence trying to get through the kitchen; and we are against that.

We cherish deeply our American citizenship. We have shed our blood in the battlefields. And we are against trying to get independence through the kitchen.

Also we are opposed to the transfer of cases to a District of Columbia court as the proposition of the Commonwealth does in S. 712. The reason behind this is because all the judges in Puerto Rico, they are statehooders, and thus, has developed a quarrel between the central government of the Commonwealth and the judges of the Federal Court.

Myself, I have taken dozens and dozens of cases in the Federal Court in Puerto Rico on behalf of Puerto Ricans on civil rights matters. For example, to take the case of a veteran to Washington, he has to fly to Washington, he has to—it is very difficult and I believe the real intention of that proposition is to take away from the Federal Court of Puerto Rico the power to solve cases here in the island.

I am counsel for the Puerto Rico Veterans Association on behalf of the organization I file the present statement.

I have to tell you that I was a commissioned officer in Korea. I was a former Senator for the Commonwealth of Puerto Rico. I ran on the ticket of the New Progressive Party.

There is panic in Puerto Rico concerning the discovered weakness of our citizenship under the present status of the Commonwealth. This panic has developed like a tornado. The Puerto Rican veterans who have fought and died in the fields of Europe, in the rice paddies of Korea and in the jungle of Vietnam are very worried.

The Puerto Rican veterans are brave and disciplined and democracy is in their heart and minds like an ever growing tree. It is rooted deeply in their culture and way of life. They are ready to face any threat from left-wing movements not only within, but from the outside.

They are very proud of their past performance; 18,000 Puerto Ricans served in the United States armed forces in the First World War; 65,000 the Second World War, out of which 23 died in action; 61,000 during the Korean War, out of which 371 died in action. And by the way, a member of my ROTC class, Lieutenant Acosta, died in action in Korea. More than 3,000 were wounded in Korea; 48,000 in the Vietnam War, out of which 342 died in action and 3,000 were wounded.

Four congressional medals have been bestowed upon our four brave Puerto Ricans who, in self-sacrificing actions and with democratic devotion, have given their lives backing up the American ideals of liberty and equality.

The CHAIRMAN. Mr. Hernandez, if I may interrupt you at that point. I would like to take this opportunity to commend and commemorate the Puerto Rican veterans. You have been asked to represent all those veterans; and I think it is appropriate for us to recall the fact that Puerto Ricans of all citizens have been right at the very forefront in all of our wars.

Puerto Rican veterans have been among the bravest, among the most stalwart of all American veterans and servicemen. And we are well aware of that in the Congress and we will never forget it. And you can be certain that the Congress will stand behind Puerto Rican veterans 100 percent. We want you to know that; we want all Puerto Rican veterans to know that. Our commitment to you is total and complete.

Secondly, you point out the concern of Puerto Rican veterans with citizenship and the flap that came about as a result of that memorandum that we got from the Congressional Research Service. I hope that has now been cleared up. It should not be a concern of Puerto Rican veterans, or any Puerto Rican citizens as a matter of fact.

Mr. HERNANDEZ. Well, sir, if you will allow me, under independence, an American citizen living in Puerto Rico, residing in Puerto Rico, a lot of administrative obstacles can be developed. He probably would not be able to fly to the States; probably many other rights will be taken away under independence. I do not quarrel—

The CHAIRMAN. Well, under independence, that is correct.

Mr. HERNANDEZ. Yes.

Senator McCLURE. Might I interject that under independence you might have concern about what happens to citizenship over a period of time. We will try to define that as well as we can before we submit any such proposition to the Puerto Rican people for their vote.

With respect to veterans' benefits, I would like to separate that. I think the veterans' rights will be protected under any of the options which might be presented.

The CHAIRMAN. Absolutely.

Mr. HERNANDEZ. Thank you, Senator.

May I add, Mr. Chairman, for example, during independence, French citizens in Algeria traveled to France. Right now in Hong Kong, British citizens cannot fly to England. The same happened with other territories from England in Africa. So, under independence there is peril for the American citizenship of the veterans of Puerto Rico, and of non-veterans.

The CHAIRMAN. One other point. You state that there should be greater civic participation in the referendum process, as opposed to just the parties. Your presence here today I think is testament to the fact that we are considering much more than just the parties. We have had 19 witnesses today; I think only six of those are connected with the parties. And you are one of the 13 who are not connected with the parties.

Mr. HERNANDEZ. Sir, during the 1967 plebiscite, I joined Mr. Ferrer in a civic group, because the parties boycotted the plebiscite. So I have experience in that. That is why I believe civic participation should be taken into consideration.

The CHAIRMAN. Well, we are paying a lot of attention to non-party members who come in as individuals, as you are, who represent the bar association, or the veterans groups, or whatever. We pay serious attention to what you have to say. And you do not have to be a party member.

Puerto Rican law does recognize the three parties. We wanted to be sure that the three parties had the opportunity to hire the staff

in order to develop their proposals. But you do not have to be a member of that party in order to have an effect, in order to be heard. And we want not only you, but all other Puerto Ricans to understand that.

If you have further advice for us on this proposal, or if any other Puerto Ricans have advice for us, we would be happy to entertain that.

Mr. HERNANDEZ. I would like just to finish my last paragraph, sir, to end my statement.

I believe there is more beyond the phrase of neutrality concerning fiscal matters. As Jefferson once said of Lord North's English proposition in relation to Virginia, his home state, that "there was more beyond the dispute of the mode of levying taxes."

In sum, our legal position is that since 1917, Congress, as in the case of Alaska, had in the intention of incorporating the territory of Puerto Rico to United States when it granted to us the American citizenship.

The operator Veterans Association oppose any maneuver, political or legal, to pull away Puerto Rico from the United States. The blood shed in the battlefields would be in vain. Also, we are opposed to the mechanics of the plebiscite. It has been left in the hands of the political parties. Their interest is in winning, not in convincing. The bills should allow for civic participation and a proper mechanic for such participation.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Hernandez follows:]

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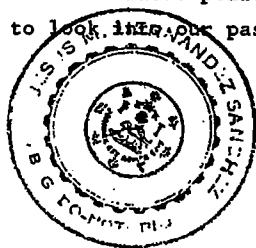
Hon. J. Bennet Johnston
 Chairman, Senate Committee for Energy & Natural Resources

Dear Mr. Chairman:

1. THE QUEST FOR EQUALITY

I am counsel for the PUERTO RICO VETERAN ASSOCIATION, On behalf of the organization I file the present statement.

There is panic in Puerto Rico concerning the discovered weakness of our citizenship under the present status of the Commonwealth. This panic has developed like a tornado. The Puerto Rico Veterans, who have fought and died in the fields of Europe, in the rice paddies of Korea and in the jungle of Vietnam are very worried. The Puerto Rico Veterans are brave and disciplined and democracy is in their heart and minds like an ever growing tree. It is rooted deeply in their cultural and way of life. They are ready to face any threat from left wing movements not only within but also from outside. They are very proud of their past performance. 18,000 puertorricans served in the United States Armed Forces during the First World War; 65,004 in the Second World War out of which 23 died in action; 61,000 during the Korean War out of which 371 died in action and 3,049 were wounded; 48,000 in the Vietnam War, out of which 342 died in action and 3,000 were wounded. Four congressional medals have been bestowed upon four brave puertorricans who in self sacrificing actions and with democratic devotion, have given their life backing up the American ideals of liberty and equality. The puertorrican Veteran has the moral standard and the democratic political right to request today, tomorrow and ever, from Congress, to look into the past performance of glory defending the nation, so as





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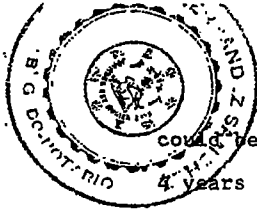
to start a new path in our lives in the pursue of happiness and equality. Today, our will and our strength is devoted to our Quest for Equality. When the 8th Army pulled from its position in Korea to roll back with the punch of the Chinese Army, it was our glorious 65th Infantry Regiment together with other American units who blocked the Chinese assault. Is no wonder then that the casualties of our puertorrican-american soldier is the third highest among U. S. and territories compared to population.

Today there are 34,100 veterans receiving compensation (18,918) and Pensions (15,182) for a total of ONE HUNDRED AND NINETY-NINE MILLIONS DOLLARS. At the present time there are 190,000 veterans in Puerto Rico and with their beneficiaries it goes up to 760,000 puertorricans who depend on the Veterans Adminstration for services and health care. At the present time the Veterans Administration has 80,000 claims and with the approval of the new Law creating a specialized court in Washington to take care of appeals, stronger ties between the federal government and the puertorrican veterans, will develop. Cases can be taken now up to the Supreme Court of the U. S. Here is only one veteran hospital in Puerto Rico which is not enough to take care of the health and hospitalization of our veterans.

11. SELF EVIDENT TRUTHS

1. Article 9 of the Treaty of Paris signed at Paris on Decembver 10, 1898, imposed upon the United States its international legal duty to determine our political status.

2. Article 5 of the Jones Act of 1917 vested the puertorricans with a second class citizenship which, if the island become independent or a type of Associate Republic is granted, the same



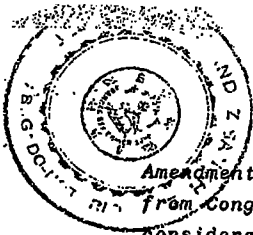
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could be revoked. See Rogers V. Bellei, 401 U. s. 815 (1971) decided 4 years after AFROYIN V. RUSK, 357 U. S. 253 (1967). In the Rogers Case the U. S. Supreme Court distinguished between citizenship based upon the 14th Amendment and that which is based only upon Congressional enactment. Therefore, the allegation made by the Governor of Puerto Rico that the only form to take away the American citizenship is by voluntary resignation of the same, is valid only concerning citizenship based on the 14th Amendment, that is, constitutional citizenship, and not, in relation to citizenship acquired by puertorricans thru the Jones Act, of March 2, 1917, 39 Stat. 953. That is, puertorricans were "collectively naturalized by legislation under the Jones Act.

3. Puerto Rico is a non-incorporated territory, a possession owned by the U. S. The constitution does not follow the flag and Puerto Rico can be subject to geographic discrimination according to decisions of the U. S. Supreme Court. See Downes V. Bidwell, 182 U. s. 244 (1901) and Harris V. Rosario, 446 U. s. 65 (1980).

4. Puerto Rico does not has sovereign power and according to the territorial clause of the U. S. Contitution, Congress has full power to legislate over Puerto Rico and to derogate any territorial legislation. See National Bank V. County of Yankton, 101 U. S. 133. The founder of our Commonwealth of Puerto Rico Don Luis Muñoz Marín, during the Congressional hearing recognized such power. See Hearings on Public Law, 600, 181 St. Congress, Act of July 3, 1950, 64 Stat. 314 and Section 1 of the Jones Act.

5. The American citizenship is very dear to our puertorrican Veterans. We hold as self evident truth the right to continue enjoying its privileges and immunities. Although we do not have a 14th



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Amendment citizenship which is immune from any deprivation, even from Congress, we hope that this congressional committee take into consideration the decision in the case of *Rasmussen V. United States*, 197 U.S. 516 (1905), which declared Alaska an incorporated territory after the russians signed the Treaty of Cession of Russian America to the United States and thru which the American citizenship was granted to the inhabitants of Alaska. In this case, Chief Justice Taft saw the intention of Congress to incorporate the territory of Alaska to United States, although the word incorporation is not mentioned. The intention was derived from the granting of the American citizenship, according to Chief Judge Taft. 17 years later, in *Balzac V. People of Puerto Rico*, 158 U.S. 298 (1922) Chief Justice TAFT, in an inconsistent opinion saw otherwise in the Act of Congress in granting puertorricans, in 1917, the american citizenship thru the Jones Act. Please, see *United States V. Wong Kim Ark*, 169 U.S. 649 (1898), for an important case concerning ius soli citizenship, that is, citizenship acquired when you born in American soil. Puerto Rico, is, since 1898, American soil. See also Section 302 of the Immigration and Nationality Act, granting U.S. citizenship to those persons born in Puerto Rico; 8 U.S.C.A. 1402.

To finish, there is more beyond the phrase of neutrality concerning fiscal matters. As Jefferson once said of Lord North's english proposition that "there was more beyond the dispute of the mode of levying taxes."

In sum, our legal position is that since 1917 Congress, as in the case of Alaska, had the intention of incorporating the territory of Puerto Rico to United States when it granted to us the American citizenship.

The Puerto Rico Veteran Association oppose any maneuver political or legal, to pull away Puerto Rico from the United States. The blood shed in the battle-fields would be in vain. Also, we are oppose to the machanics of the plebiscite. It has been left in the hands of the political parties. Their interest is in winning, not in convncing. The bills should allow for civic participation and a proper mechanic for such participation.

J. C. H. S.
 JESUS HERNANDEZ SANCHEZ, ESQ.