



August 9, 2013

*Via Priority Mail*

**US Senate Committee  
on Energy and Natural Resources**  
304 Dirksen Senate Building  
Washington, DC 20510

**Re: Response to Public Hearing of August 1, 2013 of the US Senate Committee on Energy and Natural Resources by Dr. Hernán Padilla and Alfredo Castellanos, Esq.**

Dear Committee,

Greetings from Puerto Rico! By means of introduction, my name is Dr. Hernán Padilla, I am a former two term Mayor of San Juan, Puerto Rico, our capital city, and the first hispanic President of the Counsel of United States Conference of Mayors. The co-author of this letter, Mr. Alfredo Castellanos, Esq. serves both as legal counsel of our organization and constitutional and historical advisor. I currently preside over a non-partisan, grass-roots citizen advocacy organization comprised of hundreds of members directly, and thousands of members through affiliated supporters and independent groups, whose sole mission is to support Puerto Rico as the 51<sup>st</sup> State of the Union. Our organization, and the undersigned, believes that equality of rights as well as true individual and the state sovereignty, can only be achieved under our Constitutional Order through Statehood.

Being that it is evident that the time has come for Congress to act upon Puerto Rico's desire to become a State of the Union<sup>1</sup>, it behooves our organization and the undersigned to express some to our thoughts and concerns regarding the above matter, with the aspiration that our contribution will assist this committee in analyzing the predicament that 3.7 million American citizens face by being disenfranchised, among other compelling realities and inequities and Republican deficiencies in our territorial constitutional structure.

As history illustrates, since the founding of our Republic, the aspiration of the American People is to recognize and implement the revolutionary concept that people are

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<sup>1</sup> This is the opinion of the undersigned that Congress does not need to wait for an expression from the Executive Branch or the Department Of Justice for an interpretation of our Constitution, nor for the admission of Puerto Rico as a State of Union, since Article IV, Sec.3, of our Constitution was intentionally designed by our Founding Fathers to bestow the above authority upon Congress. The Executive Branch can either sign the admission bill or veto the same. This is where the President authority begins and ends form our constitutional perspective period.

capable of governing themselves in the pursuit of their respective happiness. Unfortunately, this noble aspiration has not been reached by numerous marginalized and disenfranchised groups. Puerto Rico is among them.

Our Founding fathers original conception was to create a permanent union of states and citizens so that our nation would become the beacon of liberty and of the exercise of democratic principles throughout the world. Unfortunately, as it pertains to the people and the citizens of Puerto Rico our Constitution and the Supreme Court, interpreting the same, has imposed unfounded and discriminatory “barriers of entry “into our Union, depriving the people of Puerto Rico fundamental rights that belong to all Americans. In 2013, with the eyes of the World watching, Congress has an electoral mandate from the people of Puerto Rico and a moral responsibility to end the historical segregation and patent discrimination that have deprived our people of the fruits of our liberty rights and the vast benefits of participating in our constituted Republican Form of Government. The People of Puerto Rico deserve no less than the full recognition of their inalienable rights. Only statehood can guarantee said objective and that is precisely why our people are demanding Statehood now!

For purposes of efficiency, we will adapt by reference a letter that was sent by Mr. Alfredo Castellanos, Esq., in his individual capacity, on June 20, 2013, to the Hon. Senator Wyden and members of this Committee, addressing important legal and historical points that should serve to clarify, this committee why the people of Puerto Rico will not settle for any other resolution of our currently political status other than Statehood! (Attached please find a copy of the same as exhibit A). That is how our Founding Fathers envisioned the future of all organized territories, and that is how the people of Puerto Rico, given the proper orientation by Congress, desire it: Equality of law and equal footing, as a member state under one Constitution, nothing more, nothing less.

To merely consider the possibility of provoking an act of secession by American citizens who reside in an organized territory, and in our opinion, by implication, an incorporated territory of the Union, is repugnant to our Constitutional order. The above would only serve to illustrate that our Nation is incapable of self-government within the confines of a permanent union of citizens. Our organization repudiates any efforts that may be considered by the Congress to destroy the fruits of the Civil War and the President’s Abraham Lincoln’s concept of a new birth of freedom, for all citizens, ex-slaves, free slaves, blacks, Asians and, yes, even Hispanics, among others ethnics groups; freedom and liberty rights that belong to all Americans.

As Mr. Castellanos stated in his communication, the “Insular Cases” and the incorporate or incorporated territories that arose from the Supreme Court during the era when our Nation, erroneously, believed in a racial segregation, Jim Crow Laws, and refused to acknowledge equal protection of the law to all persons, is a relic of the past that serves no purpose for defining the options that the People of Puerto Rico have as to our political future. Independence is not an option; eternal colonialism is not an option; only statehood was designed to culminate the process of political integration in a Union where we in Puerto Rico, through the enactments of the Governor Electoral Act of 1947, have enjoyed



all the privileges and the immunities of citizenship, as if Puerto Rico was a State of the Union. In fact, we are the only organized territory outside the continental United States where Congress has opted to create an Article III Federal District Court as if Puerto Rico were a State of the Union.

It is indeed far too late to move back the clock on time 115 years and pretend that we are an organized incorporated territory just beginning our territorial political experiment. That is simply not acceptable to the People of Puerto Rico and I am certain that the vast majority of our fellow citizens in the Union support the same point of view. In 2013, we are also a Nation full of Hispanics and Hispanic history and traditions. Cultural considerations were never a part of our founding fathers original concerns about the evolution and growth of our Republic (other than matters that pertained to the institution of slavery and the rights of Native American Indians), and they should have no relevance whatsoever to the cause and struggle of the People of Puerto Rico for the recognition of our full political rights and our willingness to assume our individual and collective responsibilities as citizens of our Union. The People of Puerto Rico are ready to join our Union as equal partners with our member States without any further delay.

I thank this Committee for understanding both the situation of Puerto Rico and the present communication.

Sincerely,

**Alfredo Castellanos**  
Counsel for Igualdad

**Dr. Hernán Padilla**  
President of Igualdad

cc:/ Hon. Ron Wyden  
Hon. Pedro Pierluisi



CASTELLANOS & GIERBOLINI  
LAW FIRM

Alfredo A. Castellanos  
Luis A. Gierbolini  
Founders

June 20, 2013

*Via Priority Mail*

**Hon. Ron Wyden**

Chairman of the US Senate Committee  
on Energy and Natural Resources  
221 Dirksen Senate Office Bldg.  
Washington, D.C., 20510

**Re: Puerto Rico as the 51<sup>st</sup> State of The Union – Hearings in the US Senate Committee  
on Energy and Natural Resources**

Dear Senator Wyden:

Greetings from Puerto Rico! I am taking the liberty of writing the present communication, because the People of our Island are disenfranchised in the Senate of the United States. A sense of duty and urgency compels me.

The time has come for Congress and specifically the United States Senate, to acknowledge that the citizens of the United States who reside in Puerto Rico are entitled to all the privileges and immunities that were bestowed upon us as a consequence of the enactment of the Jones Act and more specifically in the Governor Electoral Act of 1947. The Federal Relations Act, Public Act 600 and Public Law 447, merely further support the historical mandate that all organized territories are destined for Statehood. Contrary to popular belief, Congress does not have absolute power over every American territory inhabited with citizens. The Northwest Ordinance and Congressman James Madison during the first Session of Congress clarified that matter for the benefit of future generations.

The doctrines that subsequently arose from the era of the “insular cases” to justify “constitutional segregation” as to the People of Puerto Rico and other territories, are relics of the past and are part of one of several periods in American Jurisprudence which the undersigned classifies as periods of “anomaly” that should be put to rest as applied to our struggle for liberty and for the recognition of equal rights under the law.

Moreover, it would indeed be conflictive to think that Congress only acted on the matter of Puerto Rico’s political status in the middle of the 20<sup>th</sup> Century to merely avoid the scrutiny of the United Nations. If the above were the case, then all actions taken by Congress would constitute, at a minimum, embarrassing acts of hypocrisy towards millions of American citizens and the world. The undersigned refuses to accept that the above is the case and I trust that Congress will see it the same manner. Our Nation is a great Nation and the promises of freedom that resonate from our Declaration of Independence and our

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Charter of liberties must be inclusive of all American citizens. The People of Puerto Rico and the "de facto" State of Puerto Rico deserve no less.

What the People of Puerto Rico seeks from Congress in this moment of our history is for said Institution of the people and States of the Union to honor its compact with the People of our Commonwealth. A compact within the American Constitutional Framework and history has always entailed a promise of equality for the organized territory under federal principles that are deeply rooted in our Nation's traditions and is supported by the creation and establishment of the equal footing doctrine. During our last general election, the People of Puerto Rico were consulted through a plebiscite about our political and constitutional status; the result clearly demonstrated that the People of Puerto Rico openly favored Statehood as the only option to culminate our unique territorial experiment. Consciousness and duty to protect and defend our Constitution and the Northwest Ordinance dictate that the time has come for Congress to admit Puerto Rico as a sovereign State of The Union.

Puerto Rico's admission as a state of our Union is an inevitable conclusion to our evolution within our scheme of ordered liberties. When Congress enters into a compact with an organized territory, such as is the case with the Commonwealth of Puerto Rico, said compact has always been a pathway towards Statehood. Furthermore, the possibility of contemplating that the organized territory of American citizens can somehow generate an act of secession is repugnant to America's understood and well accepted concept of popular government, within a permanent union of citizens. Our Constitution furnishes no exit clause for federally organized territories.

Also, even the idea that the United States would somehow hold a colony endlessly, is in direct contradiction of our Founding Fathers concerns and vision as to how the boundaries of our Republic would be expanded. I am sure that you recall that since our Founding Fathers had been mistreated colonists themselves, they were particularly sensitive to the concept of "never ending" colonial status for newly acquired territories. Said historical reality was clearly discussed during the drafting of the Articles of the Confederation, during the Constitutional Debates and in the events ratifying our Constitution. The American scheme of popular government includes the central idea that American citizens can govern themselves within the confines of the Constitution of the United States. Otherwise, the sacrifices that we endured during our Civil War would prove violently antagonistic to Abraham Lincoln's and our nationally accepted concept of liberty and the new birth of freedom that arose from that tragical event in our Nation's history.

I sincerely plead to you and appeal to your better judgment that all matters that you intend to discuss in the Senate be treated with the time and respect that we as a People of the Union deserve. We have shed too much blood for almost a century to support our principles of freedom to expect otherwise.

In the last hearing that was held in the House of Representatives to discuss among other matters, the report that had been issued by the White House pertaining to the case of Puerto Rico, the time allotted for the hearing and the key speakers was simply shameful.



Please give full support to the cause of the liberties of the American Citizens of the Commonwealth of Puerto Rico. As Americans we demand no less of our Fellow Citizens and the Senate in a bipartisan matter. Admitting the State of Puerto Rico as the 51<sup>st</sup> state of The Union will only augment the greatness of our nation and will also serve to crystallize and memorialize for future generations that the United States of America is still committed to our national experiment in respecting human liberties within our concept of popular government and especially, in the domestic front. Please use the present letter for all relevant matters regarding the upcoming hearing. I wish you Godspeed.

Sincerely,

**Alfredo Castellanos, Esq.**

a concerned citizen of the United States and Puerto Rico

cc: Hon. Pedro Pierluisi, Resident Commissioner of the People of Puerto Rico

All members of Congress

Hon. President of the United States, Mr. Barrack Hussein Obama