

CARLOS ROMERO-BARCELO
TESTIMONY BEFORE THE COMMITTEE ON ARMED SERVICES
U.S. SENATE
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Chairman Warner, Ranking Member Levin, and members of the Senate Committee on Armed Services: For the record: my name is Carlos Romero-Barceló and I am the sole elected representative in the U.S. Congress of the 3.8 million disenfranchised American citizens in Puerto Rico.

I very much appreciate the opportunity to testify before this Committee to make sure that the position of the U.S. citizens in Puerto Rico is presented and taken into consideration as you deliberate the issue of the bombing and the military maneuvers carried out by the Navy in the tropical island paradise known as Vieques.

I would be remiss if I did not acknowledge the fact that this Committee's main concern is the defense of the United States and the importance of its military readiness operations. These are awesome responsibilities and I wish to point out that our objective has never been to dismiss the very real needs for the national defense; after all, we have played such an outstanding role in this regard. Our objective is to address the concerns of the 9,311 American citizens who reside in the Municipality of Vieques, Puerto Rico and make demands for their safety, security and well-being.

The issue is not merely whether the Navy should continue its maneuvers in Vieques. But rather, why should one group of disenfranchised American citizens bear a burden for the national defense and for military readiness that creates anxiety, because of the constant fear of an accident that will put their lives at risk, when the same burden is not asked of any other group of citizens in the nation in times of peace.

This is ultimately the critical issue that requires your attention, and that will

ultimately test the entire Congress= commitment to the rights and freedoms of all of its citizens in the United States as well as its commitment to the democratic ideals of this Nation.

I would like to share with you some words spoken by President Abraham Lincoln in a speech in Illinois which I found to be especially pertinent. I quote: *What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers, or the strength of our gallant army. These are not our reliance against a resumption of tyranny in our land. All of them may be turned against our liberties without making us stronger or weaker for the struggle. Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands everywhere.*@

My objective is to appeal to the sense of justice, equality and fair play that is such an integral part of the American heritage. Let us turn this proceeding into an attestation of the faith we have in America.

The underlying foundation for a strong defense is the desire to preserve the freedoms and liberties inherent in our democracy. We, as patriotic, law-abiding American citizens, have never shirked our responsibilities for the national defense and for military readiness. However, it is now time to bring this issue to the only conclusion that is possible in a democracy. A conclusion which takes **foremost** into consideration the best interests of the people and their right to **Alife**, liberty and the pursuit of happiness.@

Yes, the Puerto Rican-Americans in Vieques want to validate their right to **Alife**, liberty and the pursuit of hapiness,@ as do all other American citizens without feeling threatened by our **own** armed forces.

Today it is exactly six months since the tragic accident that took the life of 35 year old David Sanes Rodríguez on April 19, 1999, when two 500 lb. pound bombs were dropped nearly two miles off target within the live impact range in Vieques. The accident, a result of pilot inexperience and a failure of communications between range control officers and the pilots of the F-18 fighter jets, exposed the hazards and the inherent risks that the 9,311 residents of Vieques faced during military exercises. If such an accident can occur, how can anyone guarantee that a bomb will not miss by 8 or 10 miles and fall in a school in the middle of a neighborhood?

Since that pivotal day, there has been a great deal of concern with respect to the resumption of naval maneuvers with live ordnance and bombing. Yet, as we demand our rights as American citizens and petition the President and the Congress of the United States, we are confronting a deliberate campaign to besmirch the patriotism and question our

loyalty as American citizens, just because we are asking for justice and equality. I reject those aspersions and consider them to be grossly irresponsible. Nobody ever questioned the patriotism of the Hawaii Congressional delegation nor the patriotism of Senator Daniel Inouye when he prompted the Navy to stop bombing the uninhabited island of Kahoʻolawe.

For the record, I wish to state that there can be no question as to Puerto Rico's commitment to the United States, to American democratic values and to our national defense. Puerto Rican-Americans have served shoulder to shoulder with our fellow Americans from the 50 states. Throughout this century, during times of war alone, 197,000 have fought alongside their fellows from Virginia, Michigan, Oklahoma and all other states in every armed conflict that this nation has been involved wherever and whenever it has been necessary in the world. Voluntary recruitment in Puerto Rico, both in times of peace and in times of war, has usually exceeded draft quotas. Another 150,000 men and women have served - and more continue to serve - during times of peace. Even now, as the entire military establishment faces recruitment shortages, Puerto Rican-Americans continue to respond, enlisting in numbers that exceed most other states.

In every single military conflict that America has engaged in during the 20th century, **we have been there**, and in most instances, our presence and our casualties have exceeded the numbers from most other states. In Korea and in Vietnam for instance, we were in the top five states in per capita casualties when compared with the rest of the 50 states. We are equals in war and death, but unequal in peace and prosperity.

Not only have we fought in this century's armed conflicts, but all of us in Puerto Rico, and particularly the Puerto Rican-Americans in Vieques, know first hand about military readiness. As our nation prepared for war in 1941, it expropriated and bought lands in Vieques for training purposes, and since then, the war has never stopped for the people of Vieques. It has only escalated. Civilians in Kosovo need no longer fear the nightly NATO bombing raids, yet in Vieques they are still being exposed to those raids for 180 days out of each year. The war has not stopped for the U.S. citizens of Vieques since 1941. Isn't it about time that they be allowed to enjoy peace?

You have just heard an impressive presentation from the the Navy that argues forcefully for continued bombing and the use of live ordnance with live fire in the island of Vieques as a basic requirement for military readiness. As a civilian, it is difficult to rebut those allegations, because I don't have the resources nor the back-up data and reports, whether true or imagined. What is obvious and clearly comes across from the Navy's presentation is **not** that Vieques is the **only** place which can serve to provide **readiness**, but rather that Vieques is the most **convenient** place for the U.S. Navy. The Navy doesn't seem to be concerned that Vieques happens to be the **most inconvenient** place for the American citizens in Vieques.

Mr. Chairman, you may recall similar discussions during your term as Secretary of the Navy, when it was asserted that Culebra, another Municipality in Puerto Rico, was the **only site** in the entire world where the Navy could train to ensure the military readiness of the naval force. At that time, not even Vieques could provide the necessary set-up for obtaining required readiness for national defense.

I wish to bring to the Committee's attention a memorandum from National Security Advisor Henry Kissinger dated June 22, 1974, that advised the Secretary of Defense that weapons training activities on Culebra would be terminated by July 1, 1975, as determined by President Nixon. The memo also provides the following instructions:

At the Secretary of Defense should consider and select alternative sites for the weapons range activities. In doing so, he should take into account relevant considerations of international law, and in particular, U.S. objectives in the Law of the Sea negotiations. The selection of the new site, if it is in Puerto Rico, will be contingent on its being acceptable to the Commonwealth, and the Secretary of Defense should so inform the Governor of Puerto Rico.@

This confidential Kissinger missive was only declassified in 1991, 17 years after it was issued. I have unsuccessfully searched for the applicable documentation of the actions that were taken to consult with and inform the Governor of Puerto Rico in 1974. It is most unfortunate that no records seem to be available. When the Navy was ordered to stop military maneuvers and operations in Culebra in 1975, it shifted all of its operations to Vieques. Did Governor Hernández Colón, the Governor in 1974, accept the transfer of maneuvers to Vieques? I know I didn't.

I can assure you that if I had been the Governor of Puerto Rico in 1974, Vieques would never have been the replacement for Culebra and we would not be embroiled in this debate now. Period. I was elected to my first term as Governor of Puerto Rico in 1976 and took office in January 1977. Those of you who are familiar with my fight on behalf of the people of Vieques, will remember that in 1977 I filed legal action in U.S. District Court to enjoin the Navy and the Department of Defense from using Vieques for weapons training purposes citing violations of Federal and Puerto Rico statutes, executive orders and constitutional provisions.

On September 19, 1979, U.S. District Judge Juan R. Torruella issued his decision with respect to the case, and found that the Department of the Navy was in technical violation of three provisions:

- the National Environmental Policy Act (called NEPA) by failing to file an environmental impact statement;

- Presidential Executive Order 11593 by failing to nominate historical sites to the Keeper of the National Register; and
- the Clean Water Act, by failing to file for a National Pollutant Discharge Elimination System (NPDES) permit.

After each of the three violations were upheld through the appeals process, the Government of Puerto Rico and the Department of the Navy entered into negotiations to set forth the legal framework for all navy operations in Vieques. The objective was to set standards and goals for Navy and Puerto Rico cooperation and culminated with the signing of the Memorandum of Understanding (MOU) in September 1983. I assume you have a copy of this MOU in the record. Contrary to the standards and goals that were agreed to by signing the MOU, the Navy escalated and expanded its range of operations in Vieques after the mid-1980's.

The Navy offered the range for use by foreign militaries and commercial and other users, such as weapons and munitions manufacturers, on a reimbursable basis highlighting its assets and features in its website under the heading of **One Stop Shopping®**. This outrageous offer was withdrawn after it was discovered and became a public issue after the April 19 tragedy. After initial denials, and in blatant violation of the MOU, the Navy subsequently admitted using hazardous and toxic weapons, including napalm, depleted uranium bullets, and cluster bombs, that are banned for use near civilian populations. **These actions not only constitute a callous disregard, but a flagrant and crass violation of both the terms and the spirit of the Memorandum of Understanding.**

What effect the toxic waste, dust and particles produced by these and other hazardous bombs and ordnance have had in causing the much higher incidence of cancer in Vieques is not clearly established, but must be careful and scientifically studied. There is also a much higher incidence of emotional and mental problems amongst the children in Vieques than anywhere else in Puerto Rico. Are these and other health problems caused or aggravated by the bombing and maneuvers?

The tragic death of Mr. Sanes Rodríguez, compounded by reports of the used of banned weapons in Vieques, the increasing number of military accidents, the increasing discovery of unexploded ordnance beyond the legally allowed impact area, particularly in the waters and coastal areas surrounding Vieques, gave rise to mounting concerns and opposition to the unequal risks and endangerment that the 9,311 Puerto Rican-Americans living in a two mile area sandwiched between the live impact range and the munitions depot, face throughout most of every year in Vieques.

We, and I include almost every single Puerto Rican-American, representing all political parties, across civil and religious beliefs, stand in a solid and unified front and speak with one voice when we question the unequal risks, anxiety and danger that Puerto

Rican-Americans face throughout the year in Vieques. Can assurances or guarantees be provided by you Senator Warner, as Chairman, or by the members of this Committee that a bomb will never fall over the civilian population? Are each of you willing to live with the outcome of a bomb falling on one of the schools or in the midst of the civilian population in Vieques? What precautions could ever possibly be effective when a pilot's blink of an eye, or failed communications, as happened six months ago on April 19, can detour a bomb or a missile for miles?

I can assure each of you that almost all of us in Vieques and in Puerto Rico believe that the civilian population in Vieques is neither safe nor secure and is actually in danger. What is more, there is ample evidence that the accumulation of bombing operations for 57 years has damaged and poisoned the environment, has damaged historic and archaeological sites, have damaged and poisoned endangered species, the flora and fauna and the surrounding sea.

If Vieques is indeed safe, why hasn't the Navy headquartered troops to live there? Why hasn't the Navy made it a home port with the economic prosperity and commitment that such an action would entail? Why did the Navy deny having used dangerous weapons and acknowledged their use only after being confronted with the evidence? Why hasn't the Navy monitored the health impact of their activities on the local population? Why does the Navy continue to refuse reassessing agreements with the Fish and Wildlife Service and with the National Marine Fisheries Service?

Increasingly, information released by Federal agencies points to health threats and environmental damage. Both the Fish and Wildlife Service and the National Marine Fisheries Service have been seeking - for at least five years, to reassess the Navy's compliance with the endangered species act, citing the change of conditions since the initial agreement was signed in 1980. The Navy has continued to assert that condition remain the same. Come on, **we all** have trouble believing that is the case. The reported use of toxic, noxious and hazardous materials alone belie their contention. The devastation and the moon-surface-like appearance of the range betrays the Navy's contention. The large number of unexploded bombs lying on reefs and coral beneath the sea also betray their contention.

The Environmental Protection Agency recently informed the Department of Defense of its intent to deny a Clean Water permit for the discharge of pollutants coming from ordnance used in the military training activities performed by the U.S. Navy at the eastern portion of Vieques affecting both inland water bodies, the Caribbean Sea and the Atlantic Ocean.

In addition, the Agency for Toxic Substances and Disease Registry within the Department of Health and Human Services confirmed that their initial investigation reveals

a health threat to the population in Vieques, including a meaningfully lower life expectancy, a substantially higher incidence of mental and emotional problems amongst children in Vieques and a substantially higher incidence of cancer than anywhere else in Puerto Rico.

Given these facts, how can this Committee and this Congress even consider authorizing or allowing the resumption of the bombing of Vieques before a careful and reliable scientific study is carried out on whether the worsening of health, including mental health, and increased levels of cancer are caused by the bombing?

I would like to bring to your attention one aspect of Judge Torruella's decision of 1979 and I quote:

In our view, questions dealing with the level and type of training required to maintain the Navy at an adequate level of efficiency, or the determination of the relative merits of various training sites or similar issues, are purely political questions which are not justiciable unless we are concerned with whether specific legal standards have been violated (ex. Whether the level of training violates environmental laws.)

The Judge's clarification confirms that the decision concerning the future of military maneuvers in Vieques is ultimately a political decision. In the past 50 years, the number of military ranges in the nation has been consistently reduced, giving in to political considerations in congressional districts. The noise complaints of nearby residents of Bloodworth Island in the Chesapeake Bay, at first reduced and then resulted in the closure of the island for military maneuvers. Are these citizens any less loyal or any less patriotic? The neighbors of the Cape Cod munitions range achieved the ceasing of all exercises there. Are they any less loyal or any less patriotic?

I wish to bring to your attention Kahoʻolawe, the uninhabited Vieques of the Pacific. In 1990, both their persistence and their tenure in critical Senate committees, ensured that Senator Inouye and Senator Akaka, coupled with the intense lobbying of the Congressional delegation from Hawaii, achieved success in stopping the Navy military maneuvers in Kahoʻolawe. Are the Hawaiian-Americans any less loyal or any less patriotic?

If not, then why are we Puerto Rican-Americans less loyal and less patriotic as the Secretary of the Navy and others in this room allege?

The ceasing of all maneuvers in Kahoʻolawe brings us to one of the most significant and compelling issues in this entire debate. The Pacific Fleet, despite being banned from bombing and live ordnance exercises in Kahoʻolawe, has maintained the highest level of military readiness. How is it that the Pacific Fleet was able to modify its weapons range activities and yet the Atlantic Fleet cannot? Are the requirements so dissimilar that such an

action cannot be achieved?

As I mentioned earlier, the Navy's presence in Vieques and the military maneuvers with live ordnance and bombing has been the source of legal suits, detailed examination and congressional investigation for at least 20 years. When Chairman Ron Dellums of the Armed Services Committee directed the Navy to seek an alternative site to Vieques in 1980, what did the Navy do? Nothing. Absolutely nothing. They completely ignored the Committee's instructions.

Why did the Navy ignore these directives for two decades and ignore the will of the people in Vieques? It is our conviction, and this is what makes this issue even more obviously inequitable, is that the Navy disingenuously took advantage of our status as disenfranchised American citizens. We do not enjoy the fundamental rights and protections that every other American in the 50 states enjoys - the right to vote and the right to participate as equals in the governing and political processes of the nation. We have no Senators who may defend us and look after our best interests in this Chamber. I, as the only elected and non-voting representative from Puerto Rico in the Congress, lack the power of a Congressional delegation. Does anyone here believe for a minute that such bombing and maneuvers would be carried out in Martha's Vineyard?

It is precisely our helplessness, our disenfranchisement, which exacerbates this issue. The U.S. Navy has treated the Puerto Rican-Americans in Vieques as it would not date treat any community in any of the 50 states next to a Navy base.

The 3.8 million U.S. citizens in Puerto Rico are exercising their rights as Americans by petitioning the Congress saying that enough is enough. The status and future of military maneuvers in Vieques has become a defining moment in Puerto Rico's relationship with the rest of the nation.

I know that the issue is a difficult one but it goes straight to the heart of the freedoms and democratic rights that unite all Americans. In one of the nation's most venerated documents, the Declaration of Independence, the American colonists sought redress from a long list of grievances against the British monarchy, among them that **A**He has affected to render the Military Independent of and superior to the Civil Power.**@** Our nation was founded on principles which place the ultimate power of our government on the people and it is the people that should be the Congress's overriding concern.

Were this Senate to deny a recognition of the rights of U.S. citizens to seek redress from this grievance, a flame will be extinguished in the hearts of free men and women everywhere. The United States, on the eve of the millennium, would be exposed before the entire world as a perpetuator of colonialism. What message do you want to send to the

world? That we, as a nation, are willing to risk the lives of some of our citizens, but only the lives of those who happen to lack the same political rights and influence as all others?

The facts, the history and the will to do the right thing clearly weigh in favor of guaranteeing the right of the people of Vieques to peace, safety, economic prosperity and a fair opportunity to develop to the maximum of their potential. That is the least that the Nation owes its 9,311 disenfranchised citizens in Vieques.