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**UNITED NATIONS**  
**SPECIAL COMMITTEE ON DECOLONIZATION**  
**meetings on the Special Committee decision of 18 June 2018 concerning Puerto Rico**

**June 24, 2019**

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Presentation on behalf of the  
**NATIONAL LAWYERS GUILD**

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**National Lawyers Guild  
Presentation to the United Nations Decolonization Committee  
Hearings on Puerto Rico  
June 24, 2019**

I have the privilege of addressing you today on behalf of the National Lawyers Guild. Founded in 1937 as an alternative to the American Bar Association, which did not admit people of color, the NLG is the oldest and largest public interest/human rights bar organization in the United States, with headquarters in New York, and chapters in every state. From its founding, the National Lawyers Guild has maintained an internationalist perspective, with Puerto Rico playing an important part of the critical focus of our international work. Our many resolutions affirm the right of the Puerto Rican people to self-determination and independence and called for the release of Puerto Rican political prisoners. Many of our members, including myself, have dedicated our legal skills to this just and noble cause.

**Colonialism on steroids**

In this Third International Decade for the Eradication of Colonialism (2011-2020),<sup>1</sup> the United States, rather than comply with this international mandate, has gone in the polar opposite direction. The occupant of the White House's racist and colonial epithets about and conduct towards Puerto Rico,<sup>2</sup> and the U.S. Congress enactment PROMESA and creation of the Fiscal

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<sup>1</sup>General Assembly Special Committee on Decolonization, Caribbean Regional Seminar, "Participants Urge Renewed Commitment to Speed Up Eradication of Colonialism by 2020, as Caribbean Regional Seminar Opens," May 2, 2019, <https://www.un.org/press/en/2019/gaco13332.doc.htm>.

<sup>2</sup>See, e.g., Annie Karni and Patricia Mazzei, "Trump Lashes Out Again at Puerto Rico, Bewildering the Island," *New York Times*, April 2, 2019, <https://www.nytimes.com/2019/04/02/us/trump-puerto-rico.html>; Tara Golshan, "Congress is at a stalemate over disaster relief because Trump doesn't want to help Puerto Rico: Trump told senators he thinks Puerto Rico got too much funding compared to mainland states," *Vox.com*, March 29, 2019, <https://www.vox.com/policy-and-politics/2019/3/29/18285367/congress-disaster-relief-trump-puerto-rico>.

Oversight and Management Board,<sup>3</sup> have the equivalent effect of performance-enhancing drugs, to illicitly amp up colonialism. And, like performance-enhancing drugs, they can be dangerous and even deadly.<sup>4</sup>

In 2015, the governor of Puerto Rico announced that the government owed a \$72 billion debt, which it could not pay.<sup>5</sup> The debt has never been audited, in spite of a mass public campaign to do so,<sup>6</sup> and in spite of the widely held belief that much of the debt is illegal, that billions of dollars of the debt were incurred in violation of Puerto Rico's constitution.<sup>7</sup> The U.S. government "has fundamentally shaped the island's economy," and "bears a great deal of responsibility for the island's plight."<sup>8</sup>

The unelected Fiscal Oversight Management Board [FOMB],<sup>9</sup> imposed by the U.S.

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<sup>3</sup><https://www.congress.gov/114/plaws/publ187/PLAW-114publ187.pdf>.

<sup>4</sup>Mayo Clinic Staff, "Performance-enhancing drugs: Know the risks," downloaded June 19, 2019, <https://www.mayoclinic.org/healthy-lifestyle/fitness/in-depth/performance-enhancing-drugs/art-20046134>.

<sup>5</sup>Michael Corkery and Mary Williams Walsh, "Puerto Rico's Governor Says Island's Debts Are 'Not Payable'," *New York Times*, June 28, 2015, <https://www.nytimes.com/2015/06/29/business/dealbook/puerto-ricos-governor-says-islands-debts-are-not-payable.html>.

<sup>6</sup>Frente Ciudadano por la Auditoría de la Deuda, <https://www.facebook.com/FrenteCiudadanoAuditoriaDeLaDeuda/>; Jhoni Jackson, "Hurricane María & Puerto Rico's Debt: How Avoiding the Audit Left the Island Unprepared," *Remezcla*, September 20, 2018, <https://remezcla.com/features/culture/puerto-rico-debt-avoiding-the-audit/> ("The Frente's audit will not only address the evolution of that debt, including when the government borrowed the money and why, but will also identify the people involved – both borrowers and lenders" for the past 40 years).

<sup>7</sup>Nicole Acevedo and Associated Press, "Billions of Puerto Rico's debt might be invalid federal oversight board says: 'This really is a milestone... It is perhaps the board's best move in its two years of existence,' said a Puerto Rican economist," *NBC News*, January 15, 2019, <https://www.nbcnews.com/news/latino/billions-puerto-rico-s-debt-might-be-invalid-federal-oversight-n958846>.

<sup>8</sup>Antonio Weiss and Brad Setser, "America's Forgotten Colony Ending Puerto Rico's Perpetual Crisis," *Foreign Affairs*, July/August 2019, <https://www.foreignaffairs.com/articles/puerto-rico/2019-06-11/americas-forgotten-colony>.

<sup>9</sup><https://oversightboard.pr.gov/>; <https://juntasupervision.pr.gov/>.

Congress pursuant to PROMESA, which supplants the elected government of Puerto Rico, is the equivalent of the fox guarding the chicken coop – “the U.S. government's public debt is now more than \$22 trillion – the highest it has ever been.”<sup>10</sup> Yet the FOMB’s role is to force the elected government to balance the budget, in order to ensure that vulture bond holders who knowingly invested in risky bonds, no matter the cost to democracy, no matter the cost to the working people of Puerto Rico. The constitutionality of PROMESA and its FOMB is the subject of much litigation, including one case now headed to the highest court in the U.S.<sup>11</sup>

There are also practical problems, intimately intertwined with the colonial situation. PROMESA provides that FOMB will continue controlling Puerto Rico until achieving four consecutive balanced budgets and access to bond markets at reasonable costs. But in order to arrive at a balanced budget, fiscal plan projections must be reliable – and there lies the rub: the failed economy in the colony shows no sign of recovery. FOMB has filed five case of debt adjustment in quasi-bankruptcy proceedings, reaching agreements with bondholders. However, those agreements are bound to fail, as they are based on unreliable projections.<sup>12</sup>

Rather like an octopus, the FOMB is extending its tentacles. It recently announced it would exercise jurisdiction not just over the central government, but over the municipalities as

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<sup>10</sup>Bill Chappell, “U.S. National Debt Hits Record \$22 Trillion,” *National Public Radio*, February 13, 2019, <https://www.npr.org/2019/02/13/694199256/u-s-national-debt-hits-22-trillion-a-new-record-thats-predicted-to-fall>.

<sup>11</sup>Steve Vladeck, “Supreme Court to take up cases on Puerto Rico financial crisis,” *CNN*, June 20, 2019, <https://www.cnn.com/2019/06/20/politics/supreme-court-puerto-rico/index.html>; <https://www.scotusblog.com/case-files/cases/financial-oversight-and-management-board-for-puerto-rico-v-aurelius-investment-llc/> (appealing the First Circuit Court of Appeals ruling that the process for naming the seven unelected members of the FOMB was unconstitutional).

<sup>12</sup>Rolando Emmanuelli Jiménez and Yazmín Colón Colón, “PROMESA: An Experiment Doomed to Fail,” *AIRA Journal*, Vol. 32, No. 1 (2019), 2019\_v32\_n1.pdf.

well,<sup>13</sup> to the consternation of some mayors.<sup>14</sup> It then bulldozed right over the central government to come up with an agreement with a teachers union, an undertaking clearly beyond its reach.<sup>15</sup>

The work of this Board is hardly subject to public scrutiny;<sup>16</sup> rather, it fights to maintain secrecy.<sup>17</sup> Private organizations have had to litigate in order to shed light on its inner workings, only to discover “evidence, in black and white, how the U.S. government exercises a colonial power relationship over Puerto Rico through the Fiscal Board.”<sup>18</sup>

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<sup>13</sup>Gloria Ruiz Kuilan y Joanisabel González, “Oversight Board extends its power to municipalities: The fiscal entity requires CRIM and ten city councils to submit fiscal plans in less than a month,” *El Nuevo Día*, May 10, 2019, <https://www.elnuevodia.com/english/english/nota/oversightboardextendsitspowertomunicipalities-2493118/>.

<sup>14</sup>Gloria Ruiz Kuilan, “Carmen Yulín Cruz defiende la autonomía de los municipios contra la Junta: El municipio de San Juan demandó al ente para impedir que asuma jurisdicción sobre sus finanzas,” *El Nuevo Día*, May 22, 2019, <https://www.elnuevodia.com/noticias/tribunales/nota/carmenyulincruzdefiendelaautonomiadelosmunicipioscontralajunta-2495275/>; Joanisabel González, “San Juan objects to Board’s control over its finances: The municipality claims it was designated as an entity covered under PROMESA without reason,” *El Nuevo Día*, May 22, 2019, <https://www.elnuevodia.com/english/english/nota/sanjuanobjectstoboardscontroloveritsfinances-2495193/>.

<sup>15</sup>Manuel de J. González, “La Junta lo ocupa todo,” *Claridad*, June 12, 2019, <https://www.claridadpuertorico.com/la-junta-lo-ocupa-todo/>; Miladys Soto, “Pulseo entre sindicatos por acuerdos con la Junta: Mientras el Gobierno asegura que habrá dinero para el pago de pensiones, otro sindicato anunció un nuevo acuerdo de beneficios con la Junta de Control Fiscal, y diversas uniones repudian las negociaciones con el ente de la Ley Promesa,” *Metro PR*, June 11, 2019, <https://www.metro.pr/pr/noticias/2019/06/11/pulseo-sindicatos-acuerdos-la-junta.html>.

<sup>16</sup>Luis J. Valentín Ortiz, “Center for Investigative Journalism: Rosselló administration delayed in restructuring Puerto Rico government,” *Caribbean Business*, May 28, 2019, <https://caribbeanbusiness.com/center-for-investigative-journalism-rossello-administration-delayed-in-restructuring-puerto-rico-government/> (“Even though the island’s certified Fiscal Plan requires these documents to be made public, neither the Board nor the government had done it.”).

<sup>17</sup>Luis J. Valentín Ortiz, Center for Investigative Journalism “Puerto Rico Fiscal Board Fights For Secrecy,” *Caribbean Business*, November 30, 2018, <https://caribbeanbusiness.com/center-for-investigative-journalism-puerto-rico-fiscal-board-fights-for-secrecy/>; “Organizations File Lawsuit Against U.S. Department Of Treasury For Withholding Information Related To The Fiscal Control Board,” *Centro de Periodismo Investigativo*, May 15, 2019, <http://periodismoinvestigativo.com/2019/05/organizations-file-lawsuit-against-u-s-department-of-treasury-for-withholding-information-related-to-the-fiscal-control-board/>.

<sup>18</sup>Luis J. Valentín Ortiz and Joel Cintrón Arbasetti, “Emails Expose Federal Gov’t Influence over Puerto Rico’s Fiscal Board: A drop of thousands of emails and documents between the island’s Fiscal Control Board, Congress, the White House, Treasury and other federal agencies is now in the hands of the Center of Investigative Journalism. It shows the boundless influence exercised by the U.S. government over the board,” *Center for*

Although the Board maintains secrecy from the public and functions as a colonial overseer, it is the people of Puerto Rico who must foot the bill for the FOMB, whose budget is \$300 million annually.<sup>19</sup> In the less than two years since the bankruptcy-like proceedings began, “attorneys and financial advisers [...] have billed more than \$400 million.”<sup>20</sup>

The dangerous and deadly aspects of the performance-enhanced colonial tools include: two years after Hurricanes Irma and María, there are still 30,000 blue plastic tarps serving as roofs;<sup>21</sup> the depopulation of Puerto Ricans continues apace;<sup>22</sup> the University of Puerto Rico, a

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*Investigative Journalism*, November 28, 2018,  
<http://periodismoinvestigativo.com/2018/11/emails-expose-federal-govt-influence-over-puerto-ricos-fiscal-board/>.

<sup>19</sup>Mark Weisbrot, “Puerto Rico’s Botched Disaster Relief, Unsustainable Debt, and Economic Failure Linked to its Colonial Status,” *Center for Economic and Policy Research*, May 29, 2019,  
<http://cepr.net/publications/op-eds-columns/puerto-rico-s-botched-disaster-relief-unsustainable-debt-and-economic-failure-linked-to-its-colonial-status>; also at,  
<https://www.commondreams.org/views/2019/06/01/puerto-ricos-botched-disaster-relief-unsustainable-debt-and-economic-failure-linked#>.

<sup>20</sup>Daniel Gill, “Professional Fees in Puerto Rico Restructuring Pass \$400 Million,” *Bloomberg Law*, June 6, 2019,  
<https://news.bloomberglaw.com/bankruptcy-law/professional-fees-in-puerto-rico-restructuring-pass-400-million>;  
Luis J. Valentín Ortiz, “Puerto Rico’s Fiscal Control Board: Parallel Government Full of Lawyers and Consultants: In addition to the hefty salaries earned by officials of Puerto Rico’s Fiscal Board, millions of dollars also go out to hundreds of contractors, most of whom are from outside the island. These professionals participate directly in the drafting and execution of fiscal plans and budgets, liquidity management, debt restructuring, bankruptcy cases and the operation and privatization of Puerto Rico’s power utility,” *Center for Investigative Journalism*, August 1, 2018,  
<http://periodismoinvestigativo.com/2018/08/puerto-ricos-fiscal-control-board-parallel-government-full-of-lawyers-and-consultants/>.

<sup>21</sup>Camilo Montoya-Galvez, “Some progressives worry Puerto Rico is being left behind on 2020 campaign trail,” *CBS News*, June 7, 2019,  
<https://www.cbsnews.com/news/some-progressives-worry-puerto-rico-is-being-left-behind-on-the-2020-campaign-trail/>.

<sup>22</sup>Nicole Acevedo, “Census: U.S. Latino population grows while Puerto Rico sees unprecedented drop A growing number of Latinos and the displacement of Puerto Ricans after Hurricane Maria are contributing to a diverse U.S., new census data shows,” *NBC News*, June 20, 2019,  
<https://www.nbcnews.com/news/latino/census-u-s-latino-population-grows-while-puerto-rico-sees-n1019496?fbclid=IwAR1JPqhazGmGculCm3zd9hz5dsHwn2BS4UE1Fc4m7Qy-2h31LDxv9qCVego>; Agencia EFE, “Población en la isla se redujo un 14% desde el 2010: Los huracanes Irma y María impulsaron aún más la tendencia decreciente del tamaño de la población,” *El Nuevo Día*, December 19, 2018,  
<https://www.elnuevodia.com/noticias/locales/nota/poblacionenlailaseredujoun14desdeel2010-2466516/>; José A.

tremendous economic engine, is under threat of being dismantled;<sup>23</sup> collective bargaining is crippled;<sup>24</sup> workers pensions are reduced;<sup>25</sup> childhood poverty, at already a higher ratio than elsewhere in the U.S., is on the rise;<sup>26</sup> home mortgages are being foreclosed at a skyrocketing

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Delgado, “Nearly 200,000 emigrated after Maria: The Center for Puerto Rican Studies, in New York, revealed this new estimate,” *El Nuevo Día*, September 23, 2018, <https://www.elnuevodia.com/english/english/nota/nearly200000emigratedaftermaria-2448885/>; Suzanne Gamboa, “Dramatic decline in young children brings 'demographic winter' to Puerto Rico: ‘Where are the Puerto Rican babies? They are all in the diaspora,’ Edwin Meléndez from the Center of Puerto Rican Studies said,” *NBC News*, May 7, 2019, <https://www.nbcnews.com/news/latino/dramatic-decline-young-children-brings-demographic-winter-puerto-rico-n1002951>.

<sup>23</sup>Ricardo Cortés Chico, “La Junta aprueba un nuevo plan fiscal para la UPR: El nuevo documento propone una nueva forma de recortar las pensiones de los retirados del sistema,” *El Nuevo Día*, June 5, 2019, <https://www.elnuevodia.com/noticias/locales/nota/lajuntaapruebaunnuevoplanfiscalparalaupr-2497748/>; José A. Delgado, “Profesores acuden al Congreso en defensa de la UPR: La APPU quiere que se califiquen los ofrecimientos de la institución como un servicio esencial,” *El Nuevo Día*, June 10, 2019, <https://www.elnuevodia.com/noticias/locales/nota/profesoresacudenalcongresoendensadelaupr-2498551/>; Keila López Alicea, “La UPR rechaza la última versión de plan fiscal certificado por la Junta: La administración universitaria criticó las medidas de reducción de gastos ordenadas por el ente fiscal, así como los cambios en las pensiones,” *El Nuevo Día*, June 19, 2019, <https://www.elnuevodia.com/noticias/locales/nota/lauprrechazalaultimaversiondeplanfiscalcertificadoporlajunta-2500602/>; Keila López Alicea, “La UPR sufre recorte en 11 recintos: La institución hará los ajustes necesarios para operar el próximo año fiscal,” *El Nuevo Día*, June 21, 2019, <https://www.elnuevodia.com/noticias/locales/nota/lauprsufrerecorteen11recintos-2500825/>.

<sup>24</sup>Rafael Bernabe, “Puerto Rico: Economic reconstruction, debt cancellation, and self-determination,” *Committee for the Abolition of Illegitimate Debt*, December 13, 2018, <http://www.cadtm.org/Puerto-Rico-Economic-reconstruction-debt-cancellation-and-self-determination>.

<sup>25</sup>Brian Tumulty, “Puerto Rico Oversight Board director defends proposed pension cuts,” *Bond Buyer*, June 19 2019, <https://www.bondbuyer.com/news/puerto-rico-oversight-board-defends-proposed-pension-cuts>.

<sup>26</sup>Antonio Weiss and Brad Setser, “America’s Forgotten Colony Ending Puerto Rico’s Perpetual Crisis,” *Foreign Affairs*, July/August 2019, <https://www.foreignaffairs.com/articles/puerto-rico/2019-06-11/americas-forgotten-colony> (“The island has a poverty rate double that of Mississippi, the poorest U.S. state: around 45 percent of Puerto Rico’s residents and 56 percent of its children live below the federal poverty line.”).

pace;<sup>27</sup> communities are threatened with displacement;<sup>28</sup> the medical system is in shambles,<sup>29</sup> with medical professionals continuing to flee;<sup>30</sup> financial support for cultural institutions is withering;<sup>31</sup> privatization of public utilities is imminent.<sup>32</sup> Access to justice is compromised, if not curtailed, including because of PROMESA's interference with litigation against the government. Only months after the enactment of the law, the federal court began to apply automatic stays, suspending civil rights cases, resulting not only in disincentivizing such litigation, but ensuring that civil rights violators are not accountable, are never brought to

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<sup>27</sup>“Alertan sobre una crisis de ejecuciones de hipotecas en la Isla: La organización Ayuda Legal Puerto Rico elaboró un manual con herramientas para las personas en riesgo de perder su hogar,” *El Nuevo Día*, May 15, 2019, <https://www.elnuevodia.com/negocios/finanzas/nota/alertansobreunacrisisdeejecucionesdehipotecasenlaisla-2494020/>.

<sup>28</sup>Frances Rosario, “Organizaciones promoverán el derecho a una vivienda digna,” *Primera Hora*, March 12, 2019, <https://www.primerahora.com/noticias/puerto-rico/nota/organizacionespromoveranelderechoaunaviviendadigna-1331388/>.

<sup>29</sup>José A. Delgado Robles, “Health care collapse anticipated in Puerto Rico: ASES director testifies before the House Committee on Natural Resources,” *El Nuevo Día*, May 23, 2019, <https://www.elnuevodia.com/english/english/nota/healthcarecollapseanticipatedinpuertorico-2495399/>.

<sup>30</sup>Leysa Caro González, “El número de galenos en la isla sigue reduciéndose rápidamente: La presidenta del Colegio de Dentistas, Elba Díaz Toro, aseguró ‘es un problema a nivel humanitario’,” *El Nuevo Día*, February 7, 2019, <https://www.elnuevodia.com/noticias/locales/nota/elnumerodegalenosenlaislasiguereduciendooserapidamente-2475342/>.

<sup>31</sup>See, e.g., Mariela Fullana Acosta, “Recortes al presupuesto amenazan la existencia de la Orquesta Sinfónica de Puerto Rico: Director del ICP reconoce el peligro que representan los recortes propuestos por la Junta de Supervisión Fiscal para las principales agencias culturales del país,” *El Nuevo Día*, June 19, 2019, <https://www.elnuevodia.com/entretenimiento/cultura/nota/recortesalpresupuestoamenazanlaexistenciadelaorquestasin fonica de puertorico-2500466/>; Ileana Delgado Castro, “El Conservatorio de Música rechaza su consolidación con la Escuela de Artes Plásticas: La directora de la JSF, Natalie Jaresko, informó a la institución educativa sobre el proceso con el que esperan lograr un ahorro de \$677,000,” *El Nuevo Día*, March 18, 2019, <https://www.elnuevodia.com/entretenimiento/cultura/nota/elconservatoriodemusicarechazasuconsolidacionconlaescuela de artes plasticas-2482792/>.

<sup>32</sup>Cybernews, “Privatización AEE provocaría aumento "irrazonable", según estudio: El estudio fue realizado por el Institute for Energy Economics and Financial Analysis,” *Metro PR*, February 11, 2019, <https://www.metro.pr/pr/noticias/2019/02/11/privatizacion-aee-provocaria-aumento-irrazonable-segun-estudio.html>.



justice.<sup>33</sup> Considering the rampant abuse by Puerto Rico police,<sup>34</sup> well documented in the U.S.

Department of Justice consent decree,<sup>35</sup> PROMESA's effect is indeed dangerous and deadly, and ensures that Puerto Rico operates as a constitution-free zone.<sup>36</sup>

While Puerto Rico is being emptied of its own citizenry, the wealthy are being lured to replace the population, with laws converting Puerto Rico into tax haven for the rich.<sup>37</sup> While the

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<sup>33</sup>See, Eric De León Soto, “¿Tienes que demandar al gobierno por tus derechos? Siéntate a esperar: Por quiebra, hay cientos de demandas paralizadas,” *NotiCel*, February 12, 2019, updated February 13, 2019, <https://www.noticel.com/la-calle/tribunales/tienes-que-demandar-al-gobierno-por-tus-derechos-sientate-a-esperar/1004937127>. See also, “La Policía deberá entregar información sobre el uso de fuerza de sus agentes: Tiene cinco días,” *NotiCel*, June 4, 2019, <https://www.noticel.com/la-calle/tribunales/la-policia-debera-entregar-informacion-sobre-el-uso-de-fuerza-de-sus-agentes/1083603495>; Derek Royden, “Disaster gentrification in Puerto Rico: Paradise for a wealthy few, the continuation of a long colonial nightmare for the long neglected majority of Puerto Ricans,” *NationofChange*, May 26, 2018, <https://www.nationofchange.org/2018/05/26/disaster-gentrification-in-puerto-rico/>.

<sup>34</sup>Eric De León Soto, “¿Tienes que demandar al gobierno por tus derechos? Siéntate a esperar: Por quiebra, hay cientos de demandas paralizadas,” *NotiCel*, February 12, 2019, updated February 13, 2019, <https://www.noticel.com/la-calle/tribunales/tienes-que-demandar-al-gobierno-por-tus-derechos-sientate-a-esperar/1004937127> (“According to Puerto Rico Police data, collected by the organization Kilómetro 0, by September of 2018, 19 people died from the use of force, while between July 2017 and June 2018, there were 239 people injured by the police, according to reports.” The upshot: all these people are left with no remedy, and the police face zero accountability for their unconstitutional and violent conduct.)

<sup>35</sup>“Justice Department Enters into Agreement to Reform the Puerto Rico Police Department,” December 21, 2012, <https://www.justice.gov/opa/pr/justice-department-enters-agreement-reform-puerto-rico-police-department>.

<sup>36</sup>Alex Figueroa Cancel, “Arnaldo Claudio renuncia como monitor de la Reforma de la Policía: Alegó que abandona el cargo por ‘el malgasto de dinero y la mala utilización de dinero y su falta de confianza por cómo se lleva el proceso’,” *El Nuevo Día*, May 14, 2019, <https://www.elnuevodia.com/noticias/seguridad/nota/arnaldoclaudiorenunciacomomonitordehareformadelapolicia-2493735/>; Associated Press, “Official over Puerto Rico police reform resigns in protest,” *WTOP.com*, May 14, 2019, <https://wtop.com/latin-america/2019/05/official-over-puerto-rico-police-reform-resigns-in-protest/> (Making matters even more precarious, the court-appointed monitor in the consent decree litigation resigned after five years, announcing that he had “lost trust in the process,” that “the U.S. Department of Justice and the federal court are not taking sufficient action to end wrongdoing and that the money meant to overhaul the large department is being misspent,” and that “between \$5 million and \$7 million is being spent on private lawyers involved in the process instead of going to reforming Puerto Rico’s police department,” in an apparent reference to the contract given to the lawyer father of the federal judge assigned to the case.).

<sup>37</sup>Jesse Barron, “How Puerto Rico Became the Newest Tax Haven for the Super Rich: A year after the tragedy of Hurricane Maria, the 51st state has become the favorite playground for extremely wealthy Americans looking to keep their money from the taxman. The only catch? They have to cut all ties to the mainland (wink, wink),” *GQ*, September 18, 2018, <https://www.gq.com/story/how-puerto-rico-became-tax-haven-for-super-rich>; “Why the super-rich are flocking to Puerto Rico,” *NBC News*, January 17, 2019,

people of Puerto Rico pay extraordinarily high tax rates, through income tax, property taxes and an 11.5% on all purchased goods, imported millionaires are subject to taxes ranging from zero to 4% (even on passive income). The moneyed class is also responding to the pitch that “Puerto Rico is for sale,” including Investment Summits in which the colonial administration actively participates, advertising “Puerto Rico is having an economic transformation and you can be part of it. The time is now.”<sup>38</sup> “Opportunity zones” are also part of the lure, hastening community displacement and gentrification in the name of supposed economic development.<sup>39</sup> The rich have gobbled up desirable coastline property, and luxury properties are going for record-breaking prices.<sup>40</sup> Not surprisingly, much of that “investment” in Puerto Rico is taken directly out of

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[https://www.nbcnews.com/video/why-the-super-rich-are-flocking-to-puerto-rico-1427964483978?fbclid=IwAR17LNM3CZvQv9O1wVu\\_U31UPeLqWllnJ2Y3AdnAK6OQijOaIoUMZil7c6k](https://www.nbcnews.com/video/why-the-super-rich-are-flocking-to-puerto-rico-1427964483978?fbclid=IwAR17LNM3CZvQv9O1wVu_U31UPeLqWllnJ2Y3AdnAK6OQijOaIoUMZil7c6k).

<sup>38</sup><http://prinvestmentsummit.com/>; Sharon Minelli Pérez, “Expertos urgen invertir ahora en Puerto Rico: ese fue el hilo conductor de la sexta edición de Puerto Rico Investment Summit,” *El Nuevo Día*, February 15, 2019, <https://www.elnuevodia.com/negocios/economia/nota/expertosurgenainvertirahoraenpuertorico-2476922/>; María Miranda, “‘Puerto Rico: A Paradise of Opportunities’ summit to be held Tuesday,” *Caribbean Business*, May 13, 2019, <https://caribbeanbusiness.com/puerto-rico-a-paradise-of-opportunities-summit-to-be-held-tuesday/>.

<sup>39</sup>Joel Cintrón Arbasetti, “Puerto Rico with a Big ‘Menu’ for Opportunity Zones,” *Center for Investigative Journalism*, March 8, 2019, <http://periodismoinvestigativo.com/2019/03/puerto-rico-with-a-big-menu-for-opportunity-zones/> (in Puerto Rico, nearly 98% of the Island is designated Opportunity Zone, compared to 25% in U.S. states). See also, Joel Cintrón Arbasetti, “Los cabilderos que impulsaron las Zonas de Oportunidad para Puerto Rico,” *Center for Investigative Journalism*, June 20, 2019, <http://periodismoinvestigativo.com/2019/06/los-cabilderos-que-impulsaron-las-zonas-de-oportunidad-para-puerto-rico/> (those who lobbied for these exemptions in Puerto Rico include the pro-statehood non-voting resident commissioner and her pro-statehood backers); Amanda Pérez Pintado, “Amenazadas las comunidades por la gentrificación: El proceso de transformación de algunas zonas urbanas se convierte en un desafío para los residentes que son excluidos,” *El Nuevo Día*, January 27, 2019, <https://www.elnuevodia.com/noticias/locales/nota/amenazadaslascomunidadesporlagentrificacion-2473203/>.

<sup>40</sup>Rut N. Tellado Domenech, “Rompe récord el mercado de casas de lujo en la isla,” *El Nuevo Día*, May 5, 2019, <https://www.elnuevodia.com/negocios/economia/nota/romperecorddelmercadodecasasdelujoenlaisla-2491806/>.

Puerto Rico.<sup>41</sup>

Puerto Rican people, on the Island and in the diaspora, are resisting these ongoing efforts to steal Puerto Rico right out from under them and to impose on them insufferable austerity. The University of Puerto Rico graduating class sported mortar boards reading “Nos roban la UPR” (they’re stealing our University out from under us)<sup>42</sup> and professors and their union sued the FOMB, challenging its authority to modify the retirement system;<sup>43</sup> civil society mobilized in the thousands on May Day to protest PROMESA;<sup>44</sup> unions walked off the job;<sup>45</sup> activists blocked the

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<sup>41</sup>César J. Ayala, “Behind Puerto Rico’s Debt, Corporations That Drain Profits from the Island,” *Committee for the Abolition of Illegitimate Debt*, December 10, 2018, <http://www.cadtm.org/Behind-Puerto-Rico-s-Debt-Corporations-That-Drain-Profits-from-the-Island> (calling the extraction of profits “a phenomenal drain of resources in an economy controlled primarily by American multinational corporations.”).

<sup>42</sup>“Estudiantes de la UPR le dan la espalda al presidente en su graduación,” *Primera Hora*, June 11, 2019, <https://www.primerahora.com/noticias/gobierno-politica/nota/estudiantesdelauprledanlaespaldaalpresidenteensugraduacion-1347238/>.

<sup>43</sup>“APPU y nueve profesores demandan a la Junta de Supervisión Fiscal: Los demandantes alegan que el ente fiscal carece de autoridad para modificar el Sistema de Retiro,” *El Nuevo Día*, May 8, 2019, <https://www.elnuevodia.com/noticias/tribunales/nota/appuynueveprofesoresdemandanalajuntadesupervisionfiscal-2492716/>.

<sup>44</sup>Associated Press, “Thousands turn out in Puerto Rico at May Day demonstration,” *Boston Globe*, May 1, 2019, <https://www.bostonglobe.com/news/nation/2019/05/01/thousands-mourn-for-puerto-rico-may-day-rally/aAT3xcgtS4rKyOI3MTKK9K/story.html>; Keila López Alicea y Alex Figueroa Cancel, “Grupos protestan contra medidas impulsadas por la Junta Fiscal y el gobierno: Prometen luchar por el bien del pueblo,” *El Nuevo Día*, May 2, 2019, <https://www.elnuevodia.com/noticias/locales/nota/gruposprotestancontramedidasimpulsadasporlajuntafiscalyelgobierno-2491414/>.

<sup>45</sup>See, e.g., Leysa Caro González, “La UTIER decreta paro de 24 horas en reclamo de un retiro ‘digno,’” *El Nuevo Día*, April 22, 2019, <https://www.elnuevodia.com/noticias/locales/nota/lautierdecretaparode24horasenreclamodeunretirodigno-2489495/>; “Sindicatos se manifiestan contra la Junta y el gobierno: Trabajadores del sector público protestan contra el recorte a las aportaciones patronales de los planes médicos,” *El Nuevo Día*, December 5, 2018, <https://www.elnuevodia.com/noticias/locales/nota/sindicatossemanifiestancontralajuntayelgobierno-2463765/>.

highways;<sup>46</sup> religious institutions and people of faith prayed;<sup>47</sup> opposition parties held press conferences;<sup>48</sup> artists, ever active, organized support for auditing the debt.<sup>49</sup>

## Conclusion

Puerto Rico is in a moment of crisis. Irreversible changes are taking place as we speak, with draconian consequences to its people. We must act now. The myth that Puerto Rico was not a colonial holding of the United States was long ago exploded, particularly after the enactment of PROMESA and court decisions affirming the absolute power of the United States over all matters related to Puerto Rico.

The Third International Decade for the Eradication of Colonialism should not pass without the Special Committee urging the General Assembly to take up the colonial case of Puerto Rico. The Special Committee should seek cooperation from the United States to:

- \* end the colonial situation of Puerto Rico,

- \* assume its responsibility to accelerate a process that allows the people of Puerto Rico to exercise their inalienable right to self-determination and independence in full, and to take responsibility for the havoc it has created over the 121 years of its aggressive presence in Puerto

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<sup>46</sup>“Cierran parcialmente acceso a Puerta de Tierra por protesta,” *Primera Hora*, June 10, 2019, <https://www.primerahora.com/noticias/policia-tribunales/nota/cierranparcialmenteaccesoapuertadetierraporprotesta-1346979/>.

<sup>47</sup>“Parroquia celebrará rogativa contra la JSF,” *Primera Hora*, June 12, 2019, <https://www.primerahora.com/noticias/gobierno-politica/nota/parroquiacelebrararogativacontralajsf-1347458/> (“We are going to convene a Rogation [solemn supplication] (we’re not going to protest; we’re going to pray so that the Spirit extract the evil produced by the Dictatorial Junta [FOMB] that has already decapitated the government of Puerto Rico and now seeks to Decapitate our towns, that do the best job of directly serving the people.”).

<sup>48</sup>“Cataloga el mensaje del gobernador como ‘polvo y paja; humo y espuma,’” *El Vocero*, June 6, 2019, [https://www.elvocero.com/gobierno/cataloga-el-mensaje-del-gobernador-como-polvo-y-paja-humo/article\\_7f932e34-8b0a-11e9-90fa-7bb9982ff579.html](https://www.elvocero.com/gobierno/cataloga-el-mensaje-del-gobernador-como-polvo-y-paja-humo/article_7f932e34-8b0a-11e9-90fa-7bb9982ff579.html).

<sup>49</sup>“La clase artística del país formaliza la petición de auditoría: El movimiento ya cuenta con el respaldo de 150 mil firmas,” *El Nuevo Día*, July 10, 2018, <https://www.elnuevodia.com/entretenimiento/cultura/nota/laclaseartisticadelpaisformalizalapeticiondeauditoria-2434207/>.

Rico,

\* provide all necessary assistance for the recovery from the effects of hurricanes Irma and María,

\* facilitate assistance from international organizations, especially in the area of sustainable development, and

\* not prevent the delivery of humanitarian aid and technical assistance from willing countries in a position to offer aid and assistance.

Respectfully submitted,

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