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THE RESULTS OF THE 1998 PUERTO RICO PLEBISCITE

REPORT

BY

CHAIRMAN DON YOUNG AND SENIOR DEMOCRATIC MEMBER GEORGE MILLER

TO MEMBERS,

COMMITTEE ON RESOURCES

NOVEMBER 19, 1999.

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"The Results of the 1998 Puerto Rico Plebiscite"

Summary

On December 13, 1998, the government of Puerto Rico conducted a political status plebiscite under local election laws. The 1998 vote was an important effort by the local government to advance a process of self-determination leading to resolution of the political status of Puerto Rico. However, the plebiscite was inconclusive because the results do not constitute a clear expression of the will of the United States citizens of Puerto Rico regarding their ultimate political status. Congress should establish by federal statute a structured process of self-determination through which the ultimate political status of Puerto Rico can be resolved based on the constitutionally valid status options that Congress is willing to consider.

Background

On December 14, 1994, and again on January 23, 1997, Puerto Rico's Legislative Assembly formally petitioned Congress to sponsor a referendum on the future political status of Puerto Rico. Puerto Rico's petitions to Congress requested that the referendum be based on status definitions Congress judges to be compatible with the U.S. Constitution and federal law. See, H. Rept. 104-713, Part 1, pp. 50 & 51 and H. Rept. 105-13 1, Part 1, pp. 68 & 69.

The House responded to Puerto Rico's petitions on March 4, 1998, by approving H.R. 856, the United States-Puerto Rico Political Status Act, legislation to sponsor a status referendum on constitutionally valid options defined by federal law. On September 17, 1998, the United States Senate approved Resolution 279, supporting self-determination for Puerto Rico and confirming the authority of Congress to determine the ultimate status of Puerto Rico. While the approval of these measures demonstrated bipartisan support for self-determination and status resolution, the 105th Congress adjourned without approving final legislation authorizing a federally recognized self-determination process for Puerto Rico.

On August 17, 1998, while deliberations in Congress on the measures described above were on-going, the Legislative Assembly of Puerto Rico approved Public Law 249, authorizing a plebiscite under local law to be administered consistent with any measure Congress might adopt. Specifically, this local statute provided for a ballot presenting any status definitions approved by Congress prior to the vote, or, in lieu thereof if Congress failed to act, definitions prescribed by the Legislative Assembly of Puerto Rico based on the House passed bill (H.R. 856) and applicable U.S. Supreme Court rulings.

Because Congress did not sponsor a status vote before adjourning, by operation of the local plebiscite statute a status vote was held in Puerto Rico under local election laws on December 13,

1998. The definitions of status options on the plebiscite ballot were those prescribed by the local law and appear in Appendix A.

On February 22, 1999, the results of the vote held on December 13, 1998, were certified by the Governor of Puerto Rico, and appear at Appendix B. Thereafter, in a letter dated April 16, 1999, the Chairman of the Committee on Resources invited the three principal local political parties to present their views on the 1998 status vote for consideration by the Committee. In addition, an organization in Puerto Rico that was certified by the local election commission to advocate its interpretation of free association requested to submit its views on the 1998 vote to the Committee. The requesting letters and the materials submitted by these local political entities appear at Appendix C.

The record before the Committee indicates that this plebiscite was yet another impressive demonstration of the vitality and orderliness of the local constitutional and democratic process in Puerto Rico, with more than 71 percent of eligible voters participating in a lawfully conducted voting process. All three major parties, the New Progressive Party (NPP), the Popular Democratic Party (PDP) and the Puerto Rico Independence Party (PEP), as well as other organizations and individuals with a wide range of differing views, campaigned vigorously, freely and openly.

Although there were legal challenges to the plebiscite law in the courts, these were resolved without judicial intervention in the process. There were no reported incidents of fraud or abuse that call into question the legitimacy of the process.

Plebiscite History

The local plebiscite law governing the 1998 vote did not employ the same nomenclature for the status options on the ballot that had been used in previous status votes conducted under local law in 1967 and 1993. Instead of the traditional "statehood", "commonwealth" and "independence" terminology, the options were numbered 1 through 4. An additional "None of the Above" option was also added. Results of the 1998 vote in comparison to the 1967 and 1993 votes are displayed in Appendix D.

The December 13, 1998, ballot options for Statehood, Independence, and Free Association were supported respectively by the New Progressive Party, the Puerto Rico Independence Party, and PROELA, the parties certified by the Puerto Rico State Electoral Commission as advocates of their status. However, the Popular Democratic Party, which has been the long-standing advocate of commonwealth, did not support the Commonwealth ballot definition. Instead, the PDP officially adopted and advocated an alternative commonwealth definition that did not appear on the ballot and contained principles rejected on a bipartisan basis by the Committee on Resources during consideration of H.R. 856.

Conclusion

The actual meaning of the 1998 results may only be truly understood retrospectively after final resolution of Puerto Rico's status. Given the history of previous status votes, as well as the speculative nature of any interpretation of the "None of the Above" vote in 1998, the Committee concludes that the true will of the voters

in Puerto Rico regarding their ultimate political status can only be ascertained through further self-determination in the future.

Both the 1993 vote which led to Puerto Rico's petition for Congressional sponsorship of a status referendum in 1994, as well as the 1998 vote, confirm the validity and soundness of the Committee on Resources' recommendation in 1996, and again in 1997, that Congress by federal statute enable Puerto Rico to implement a structured process of self-determination based on constitutionally valid options Congress is willing to consider. Such a structured process of self-determination will enable Congress and the voters in Puerto Rico to make informed decisions with respect to status resolution.

Congress retains the plenary authority under article IV, section 3, clause 2 of the United States Constitution to determine the ultimate disposition of the political status of Puerto Rico and the United States citizens residing therein. Congress must fulfill its moral and legal responsibility toward self-determination and authorize a structured process of status resolution for Puerto Rico.

APPENDIX A

Definitions of political status options presented on ballot in referendum conducted under Puerto Rico Public Law 249, December 13, 1998, as published in *The San Juan Star* on November 22, 1998:

***Option One*: The application in Puerto Rico of the sovereignty of the U.S. Congress, which by virtue of Federal Law 600 of July 3, 1950, delegates limited self-government to the island in strictly local affairs under its own constitution. Local government will be subject to the authority of the U.S. Congress, Constitution, laws and treaties. By virtue of the Treaty of Paris and the U.S. Constitution's Territorial Clause, the Congress may treat Puerto Rico differently from other states, as long as there is a rational basis for doing so. U.S. citizenship of Puerto Ricans will be statutory. English will continue being the official language of federal government agencies and courts operating in Puerto Rico.**

***Option Two:* A treaty that recognizes the full sovereignty of Puerto Rico to develop its relationship with the United States in a non-colonial, non-territorial association. The United States will resign all of its powers over Puerto Rico at the time the treaty becomes effective. Puerto Rico will retain all the powers that are not expressly delegated to the United States. Puerto Rico will have power over Puerto Rican citizenship. Current U.S. citizens in Puerto Rico will retain U.S. citizenship, if they so desire, and will be able to pass it on to their descendants, subject to U.S. laws or the treaty. It should be made clear that, as soon as the treaty becomes effective, the sole fact of being born in Puerto Rico will not grant the right of U.S. citizenship. The treaty to be negotiated will include issues of trade, defense, use of the dollar, economic aid and the protection of acquired personal rights. The treaty will also recognize the sovereign capacity of Puerto Rico to enter into covenants and other international treaties.**

***Option Three:* The incorporation of Puerto Rico into the United States as a sovereign state, with complete equality of rights, responsibilities and benefits with other states. Puerto Rico will also retain sovereignty in those affairs not delegated by the U.S. Constitution to the federal government. The right to vote for the president, and equal representation in the Senate, and proportional representation in the House of Representatives, without affecting the representation of the rest of the states. Retention of the current Puerto Rico Constitution, with the same state laws, and permanent U.S. citizenship guaranteed by the U.S. Constitution. Provisions of federal law on the use of English in the federal government agencies and courts in the 50 states of the union will apply equally to the State of Puerto Rico, as they do at this time.**

***Option Four:* The recognition that Puerto Rico is a sovereign republic with full authority over its territory and its international relations, with a constitution that will be the supreme law that provides for a republican system of government and the protection of human rights. Puerto Rico residents will owe loyalty to, and will hold the citizenship and nationality of Puerto Rico. Being born in Puerto Rico or having relatives with statutory U.S. citizenship by virtue of birth in the former territory will no longer be a basis for U.S. citizenship, except that people who had U.S. citizenship will have the legal right to maintain that citizenship for life, by right or personal decision, according to what is provided for in U.S. Congress laws. Benefits to the people of Puerto Rico, acquired through services rendered or contributions made to the United States, will be honored by the United States. Puerto Rico and the United States will develop treaties on cooperation -- including financial and program aid for a reasonable period -- free trade and travel, and the status of military forces.**

***Option Five:* None of the Above**

APPENDIX B

The Governor of Puerto Rico

February 22, 1999

The Honorable J. Dennis Hastert, M.C.
Speaker of the House of Representatives
H-232, United States Capitol
Washington, D.C. 20515

Dear Mr. Speaker:

In compliance with Article 29 of Puerto Rico Law Number 249 of August 17, 1998, I hereby certify to you and the United States House of Representatives the results of a Plebiscite that was conducted in accordance with said statute on December 13, 1998.

The accompanying document, issued by the Puerto Rico State Elections Commission on December 22, 1998, constitutes official promulgation of the results of the Plebiscite.

With appreciation and, as always, my very kindest personal greetings.

Sincerely,

Pedro Rosselló

Pedro Rosselló

ENCLOSURE

COMMONWEALTH OF PUERTO RICO
STATE ELECTIONS BOARD
SAN JUAN, PUERTO RICO

CERTIFICATION

After the conclusion of the General Canvass as disposed in Article 6.008 the Electoral of Puerto Rico and in conformity with Article 29 of Law 249 of August 17, 1998, the ıiscite Law of December 13, 1998, we certify the following official results of the Plebiscite on December 13, 1998.

ISLAND WIDE RESULTS

	VOTES	%
None of the Above	787,900	50.3
Petition Number 3	728,157	46.5
Petition Number 4	39,838	2.5
Petition Number 2	4,536	0.3
Petition Number 1	993	0.1
*Others:	4,846	0.3

llots in Blank: 1,890 *Void: 2,956

jistered Voters: 2,197,824
licipation: 71.3%
al voting polls: 5,611 of 5,611 for a 100%

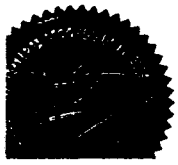
BE REGISTER AND NOTIFY:

In San Juan, Puerto Rico as of December 22of 1998.

Juan R. Melecio
President

ERTIFY: That the Commission emits this certification by voice of its President and that in this same date I have send copy of this certification to the Governor and the Secretary of State.

In San Juan, Puerto Rico, as of December 22of 1998.



Ramón M. Jiménez Fuentes
Secretary

APPENDIX C

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515
April 16, 1999

The Honorable Pedro Rosselló
President of the New Progressive Party
P.O. Box 1992
Fernandez Juncos Station
San Juan, Puerto Rico 00910

Dear President Rosselló:

The Committee on Resources has received the official results of the December 13, 1998, political status plebiscite conducted under the laws of Puerto Rico. While the numerical count of the ballots appears to be precise and in good order, the reasons for the outcome are unclear.

As president of one of the three principal political parties in Puerto Rico, you are requested to submit to the Committee on Resources by May 1st, 1999, the public position espoused by your party regarding the meaning of the vote. It is very important for the Congress to understand the views of the political parties on interpretation of the results and why voters cast their ballots as they did.

Your timely input is appreciated and should be faxed to the Committee at (202) 225-5929. Your response will be valued as Members of Congress consider various matters of importance to the people of Puerto Rico during the 106th Congress.

If you have any questions regarding my request, please contact me personally or T.E. Manase Mansur of the Committee staff at (202) 226-7400. I look forward to your submission and continuing to work with you and the leaders of Puerto Rico on behalf of the United States citizens of Puerto Rico.

Sincerely,

DON YOUNG
Chairman

cc: Honorable George Miller
Honorable Carlos A. Romero-Barceló

SEGURIDAD ESTABILIDAD PROGRESO

Dr. Pedro Rosselló
Presidente

Partido Nuevo Progresista

April 30, 1999

The Honorable Don Young, M.C.
Chairman, Committee on Resources
United States House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

VIA FACSIMILE: (202) 225-5929

Dear Mr. Chairman:

Thank you for the letter of April 16, 1999 wherein you requested that, in my capacity as President of the New Progressive Party [NPP], I submit by May 1, 1999 to the Committee on Resources of the United States House of Representatives "the public position espoused" by the NPP "regarding the meaning of the vote" in a political status plebiscite that was conducted in Puerto Rico on December 13, 1998.

My response to your request is as follows.

1) The plebiscite marked the first time, in exactly 100 years of United States sovereignty over Puerto Rico, that our territory's voters were offered an opportunity to select from among two or more political status options that had been specifically defined for that purpose via legislation adopted by either house of Congress (the legislative measure to which I refer is of course the *United States-Puerto Rico Political Status Act* [H.R. 856] -- approved by the U.S. House of Representatives on March 4, 1998 at the bipartisan initiative of your Committee). The four specifically-defined options that appeared on the plebiscite ballot corresponded directly to the four options offered to the voters of Puerto Rico by H.R. 856.

2) Of the plebiscite ballots cast in favor of one of those four specific political status options, fully 94% were cast in favor of the definition that corresponded to U.S. statehood. However, in compliance with a 1993 edict of the Puerto Rico Supreme Court, the plebiscite ballot contained a fifth alternative, "NONE OF THE PRECEDING," which garnered 50.3% of the total vote. This phenomenon obviously prevented any of the four specific political status options from obtaining an absolute majority of the total vote. The definition corresponding to U.S. statehood emerged with 46.5% of the total vote, while none of the other three definitions surpassed 2.5% -- and with respect to those other three, it is extremely noteworthy that the definition corresponding to the *status quo* "commonwealth" option finished dead last, at 0.1%; thus manifested was an overwhelming consensus that the time has come to discard

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the "commonwealth" option's subordination of Puerto Rico to the "territorial clause" of the U.S. Constitution.

3) Notwithstanding the impact of "NONE OF THE PRECEDING," that 46.5% tally for the U.S. statehood definition confirmed and continued a trend which now dates back nearly 50 years: support for U.S. statehood has been growing steadily in Puerto Rico electoral events of every description since 1952, a year in which the candidate advocating U.S. statehood polled less than 13% of the vote in a gubernatorial contest. During that same extensive time period, moreover, no other political status option has recorded any sustained increase in voter endorsement.

4) Needless to say, "NONE OF THE PRECEDING" cannot plausibly be interpreted as the "definition" of any political status option whatsoever; equally undeniable is that the significance of this fifth ballot-alternative's razor-thin majority of 1998 plebiscite votes will always be open to debate. That said, though, it may be helpful to your Committee if I share the findings of a public-opinion survey that was carried out during the first three months of 1999 (a randomly-selected sample of 3,000 adults was interviewed; the poll had a 2.5% margin-of-error and a 95% "confidence level"). During that survey, the principal reasons cited for plebiscite votes in the "NONE OF THE PRECEDING" column were:

- a desire "to defeat statehood" [*35.8%*];
- disapproval of the incumbent Governor [*20.5%*];
- opposition to the incumbent administration's then-pending (now-consummated) privatization of the Puerto Rico Telephone Company, which had been wholly owned by the Government of Puerto Rico since 1974 [*13.7%*];
- a belief that the plebiscite ought to have been postponed until a later date, due to the fact that Hurricane Georges ravaged all 78 of Puerto Rico's municipalities on September 21 and 22, 1998 [*11.2%*];
- opposition to the incumbent administration's privatization of the management of the government-owned Puerto Rico water utility [*10.8%*];
- disapproval of the incumbent mayors (68% of whom are members of the Governor's pro-statehood political party) [*3.3%*];
- support for the leaders of labor organizations who campaigned in favor of the "NONE OF THE PRECEDING" alternative [*2.7%*];
- a television address delivered immediately prior to the plebiscite by the only living pro-"commonwealth" ex-Governor [*1.6%*];
- dissatisfaction with the leadership of the Puerto Rican Independence Party [*0.4%*].

In light of the foregoing data, several conclusions can be drawn as to "the meaning of the vote."

A) Opposition to all four of the political status options defined in H.R. 856 was clearly not the sole factor, and may not even have been a major factor, in motivating 50.3% of the participating electorate to opt for the "NONE OF THE PRECEDING" alternative.

B) Even when the status definitions placed on the ballot consist exclusively of options embraced by one house of Congress, locally-initiated Puerto Rico political status plebiscites may intrinsically be **exercises in futility**. Including those of 1967 and 1993, three status plebiscites have now been conducted under three different formats. None of those three consultations instigated any change in Puerto Rico's political status, and the two held during this decade failed even to generate majority support for any specific status option.

C) If what a prominent elected Federal official recently characterized as "the unfinished business of democracy" is to be peacefully and justly concluded, therefore, it may be – and very likely is – imperative that the U.S. House and Senate complete the task that was so effectively addressed by your Committee and by the full House during the 105th Congress.

D) To that end, it might be advisable at this stage:

- for Congress to invite those who campaigned on behalf of the "NONE OF THE PRECEDING" column to present in timely fashion any non-territorial status option that they may wish to propose as an alternative to the three non-territorial options already validated by the House of Representatives via H.R. 856;
- and for Congress to thoroughly scrutinize any such additional option, for the purpose of determining whether it is compatible with the U.S. Constitution.

In summary, Mr. Chairman, **I submit that the national interest dictates that Congress act without delay: to explicitly delete invalid alternatives; and then to present the people of Puerto Rico with a set of valid political status options that will permit us to make an informed decision.**

A consultation of this type – sponsored and mandated by Congress – would constitute a Federal proceeding predicated upon Article IV, Section 3, Clause 2 of the U.S. Constitution. Consequently, under such a format, Congress would unquestionably possess the authority to exclude meaningless propositions.

- territorial-government edicts to the contrary notwithstanding, alternatives akin to "NONE OF THE PRECEDING" could be omitted from the ballot; and thus,
- our voters would at last possess both the opportunity and the obligation to take responsibility for shaping the destiny of all future generations of Puerto Ricans, because the ballot alternatives would consist solely of unequivocally viable options for a permanent solution to our political status dilemma.

This is the position of the New Progressive Party. We urge your Committee and the entire Congress to act expeditiously in collaborating with the nearly 3.9-million United States citizens of Puerto Rico on achieving a successful resolution to a century-old conundrum that should and must be surmounted at a moment in which our Nation aspires to embrace a new millennium as the world's leader in promoting and practicing democracy.

Sincerely,

Pedro Rosselló

Pedro Rosselló
President, New Progressive Party

c: Hon. George Miller, M.C.
Hon. Carlos A. Romero-Barceló, M.C.

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

April 16, 1999

The Honorable Aníbal Acevedo Vilá
President of the Popular Democratic Party
P.O. Box 9065788
San Juan, Puerto Rico 00906-5788

Dear President Acevedo Vilá:

The Committee on Resources has received the official results of the December 13, 1998, political status plebiscite conducted under the laws of Puerto Rico. While the numerical count of the ballots appears to be precise and in good order, the reasons for the outcome are unclear.

As president of one of the three principal political parties in Puerto Rico, you are requested to submit to the Committee on Resources by May 1st, 1999, the public position espoused by your party regarding the meaning of the vote. It is very important for the Congress to understand the views of the political parties on interpretation of the results and why voters cast their ballots as they did.

Your timely input is appreciated and should be faxed to the Committee at (202) 225-5929. Your response will be valued as Members of Congress consider various matters of importance to the people of Puerto Rico during the 106th Congress.

If you have any questions regarding my request, please contact me personally or T.E. Manase Mansur of the Committee staff at (202) 226-7400. I look forward to your submission and continuing to work with you and the leaders of Puerto Rico on behalf of the United States citizens of Puerto Rico.

Sincerely,

DON YOUNG
Chairman

cc: Honorable George Miller
Honorable Carlos A. Romero-Barceló

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

April 28, 1999

The Honorable Aníbal Acevedo Vilá
President of the Popular Democratic Party
P.O. Box 9065788
San Juan, Puerto Rico 00906-5788

Dear President Acevedo Vilá:

On April 17, 1999, *The San Juan Star* published an article regarding the Committee on Resources' request that the three principal political parties in Puerto Rico submit their views on the status vote conducted last December. In that article you were quoted as stating that you are prepared to provide what the Popular Democratic Party "believes is an accurate interpretation of commonwealth."

On October 17, 1998, *The San Juan Star* published an article that included what was reported to be the definition of commonwealth approved by the Popular Democratic Party and unveiled to the public on October 16, 1998. Copies of both aforementioned articles are attached.

As part of your response to the Committee's request for the Popular Democratic Party's views on the vote of December 13, 1998, please provide the Committee with a copy of the definition of commonwealth approved by the PDP which was publicly presented on October 16, 1998. In addition, please provide further interpretation of commonwealth as indicated in the statement attributed to you in *The San Juan Star* of April 17, 1999.

Your assistance to and cooperation with the Committee in responding to the information that has been requested is greatly appreciated.

Sincerely,

DON YOUNG
Chairman

cc: Honorable George Miller
Honorable Carlos A. Romero-Barceló

LOCAL NEWS

Parties asked interpretation of the results of plebiscite

Young wants 'meaning' of Dec. 13 vote by May 1

By ROBERT FRIEDMAN
STAR Washington Bureau



STAR file photo
Don Young

WASHINGTON — As a possible prelude to House hearings, Rep. Don Young, R-Alaska, Friday asked the heads of the island's three principal political parties to submit to the Resources Committee their interpretations on "the meaning" of the Dec. 13 plebiscite results.

Asserting that "the reasons for the outcome are unclear," Young asked the party leaders to fax their take on the latest status vote to the committee, which he chairs, by May 1.

"It is very important for the Congress to understand the views of the political parties on interpretation of the results and why voters cast their ballots as they did," Young said in identical letters to Gov. Rosselló, who is president of the New Progressive Party, Popular Democratic Party President Aníbal Acevedo Vilá and Rubén Berríos, who heads the Puerto Rican Independence Party.

"Your response will be valued as members of Congress consider various matters of importance to the people of Puerto Rico during the 106th Congress," the Alaska Republican wrote.

Manase Mansur, the Resources Committee's chief advisor on Puerto Rico affairs, said hearings could follow, after Young and the committee members study the responses. A hearing on the plebiscite results already has been scheduled for May 6 by the Senate Energy and Natural Resources Committee.

Although it was not mentioned in Young's letter, Mansur said the chairman also was interested in seeing "what the individual parties were espousing previous to the plebiscite."

Acevedo Vilá said, from San Juan, that he intends to answer Young's request, as well as testify at the May 6 Senate hearing.

"What we will be saying, both to Young and the Senate, is what happened on Dec. 13: it was a clear expression of defeat for statehood," the PDP leader said.

Acevedo Vilá insisted that the *populares* would "not enter the same futile process as the Young bill was last year," but would fully participate in "a fair process in which commonwealth is treated fairly."

While an island status bill introduced by Young and supported by the Clinton administration was approved in the House last year, it never got out of committee in the Senate. The legislation would have Congressionally authorized a plebiscite on the island. The PDP opposed the measure, charging that it demeaned commonwealth by defining the option as a territory under the full powers of Congress.

The Rosselló administration organized a local status vote, in which the "none of the above" option got 50.3 percent of the vote to statehood's 46.5 tally.

While mixed signals appear to be coming from the PDP on just how far it would cooperate with Congress on status before the 2000 elections, Acevedo Vilá said Friday that, if asked by Congress, he would offer "what we believe is an accurate interpretation of commonwealth."

The PDP chief hailed a recent statement by Senate Majority Leader Trent Lott, R-Miss., that he was satisfied with commonwealth and doesn't believe there should be any dramatic changes in the island's status.

The Republican leader's statement, said Acevedo Vilá, is an endorsement of "the dignity and validity of commonwealth."

Resident Commissioner Carlos Romero Barceló, meanwhile, said that Young would learn that the Dec. 13 vote meant that "the people of Puerto Rico decided not to decide."

The resident commissioner acknowledged, however, that at present new status legislation was not in the cards. "There are so many things going on right now, and there will be elections next year. I can see hearings and possibly resolutions, but I don't see a bill right now."

He held out hope that the May 6 Senate hearings would change that scenario.

The Senate panel intends to "review the results" of the Dec. 13 vote, after hearing testimony from the leaders of the three parties.

LOCAL NEWS

PDP unveils commonwealth definition

By PROVIDENCIA COLON DIAZ
Of the STAR Staff

Months of speculation and waiting ended Friday when the Popular Democratic Party unveiled its new definition of commonwealth as a non-colonial, non-territorial nation in a covenant of permanent union with the United States.

President Anibal Acevedo Vilá announced that the party's new definition will apply to the "none of the above" option in the plebiscite ballot.

The new definition will be sent out next week to President Clinton, and all members of the U.S. Congress, Acevedo Vilá said, declining to indicate whether this means that they will lobby for that definition with U.S. lawmakers.

"Our first priority is to win the Dec. 13 plebiscite. We will worry about everything else at its given time," said Acevedo Vilá.

On Thursday night, the PDP Governing Board decided to back the "none of the above" option on the ballot.

If that option wins, the PDP will then ask the U.S. Congress to fully support the voters' decision and a Constitutional Assembly would be established to negotiate the terms of the final agreement with the United States, Acevedo Vilá said.

"This relationship guarantees the autonomic development of Puerto Rico based on the democratic precept of government with the consent of the governed and the recognition that Puerto Rico is a nation with its own history, idiosyncrasy, culture and Spanish language," the definition states.

The PDP objects to the definition of commonwealth on the plebiscite ballot, under option No. 1, which describes the status as a territory under the full powers of Congress. The party has sued the Rosselló administration, alleging that the definition is unconstitutional and the plebiscite should be stopped.

> *"Our first priority is to win the Dec. 13 plebiscite. We will worry about everything else at its given time."*
>
> **Anibal Acevedo Vilá**
> PDP president

According to the newly unveiled definition, the commonwealth also will be able to belong to regional and international entities. Acevedo Vilá was quick to say that the new commonwealth was not asking for commercial independence and would continue to trade with the United States.

"We are not asking for an embassy nor are we expecting to have trade with countries that are enemies of the United States. That would be a republic, not a commonwealth," he said.

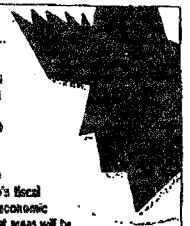
The new definition also states that the relationship between Puerto Rico and the United States will continue to be based on common defense, market and currency and irrevocable U.S. citizenship.

"The right to U.S. citizenship is irrevocable and acquired by birth," said Acevedo Vilá.

Detractors of commonwealth state that because U.S. citizenship was granted to Puerto Ricans by statute it is not constitutionally protected.

As for the judiciary, the new definition states that the federal court will only intervene in matters that are applicable to Puerto Rico and don't go against dispositions in the Commonwealth Constitution. In addition, the official language of the courts would be both Spanish and English.

The new commonwealth



Popular Democratic Party officials say people who vote for the "none of the above" option in the plebiscite ballot will be voting for the following:

- The people of Puerto Rico, in the exercise of their sovereignty, their natural right to self government and their free will as ultimate sources of their political power, hereby reaffirm the effectiveness of the Commonwealth as established as an autonomous political body, which is not colonial or territorial, in permanent union with the United States under a covenant that cannot be invalidated or amended unilaterally and proposes its autonomic development.
- The relationship between Puerto Rico and the United States will continue to be based on common defense, market and currency and on the irrevocability of the U.S. citizenship, acquired by birth and protected by the U.S. Constitution.
- This relationship guarantees the autonomic development of Puerto Rico based on the democratic precept of government with the consent of the governed and the recognition that Puerto Rico is a nation with its own history, idiosyncrasy, culture and Spanish language.
- To achieve its maximum economic progress and well-being, the people of Puerto Rico proposes to develop Commonwealth to retain all the powers that are not delegated to the United States. Pursuant to Puerto Rico's fiscal autonomy, economic development areas will be identified in which joint action can produce jobs and other benefits for both parties, including the flexibility in the use of federal funds, providing that programs of direct aid to individuals will continue as they are at present.
- The Commonwealth will be able to enter into commercial and tax accords, among others, with other countries, and belong to regional and international entities, consistent with the common interests of defense and security between the United States and Puerto Rico, as agreed to in the covenant.
- Once the request for the development of the people of Puerto Rico is approved, a Constitutional Assembly will be called to negotiate with the U.S. government the terms and conditions of the covenant, which will include a mechanism to approve the application of legislation approved by the U.S. Congress.

SOURCE: PDP — STAR Graphic by Axel Matos

Popular Democratic Party

Aníbal Acevedo Vilá, Esq.
PRESIDENT

Box 9065768, San Juan, Puerto Rico, 00906-5768
(787) 721-6000 • 725-7294/6270 • FAX: 724-2964

April 30, 1999

The Honorable Don Young
Chairman, House Resources Committee
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Young:

I welcome your request for the views of the Popular Democratic Party on Puerto Rico's December 13, 1998 status consultation.

Those of us in the Popular Democratic Party ("PDP") who support Commonwealth did not have a status option on this ballot, which we could support. As you will recall, we objected to the description of Commonwealth included in your legislation, H.R. 856, because we had fundamental differences as to certain legal interpretations made in said description. What purported to be a description of Commonwealth under Column One of the December 13 ballot was different from the one in H.R. 856, but it was even less acceptable to us. The description under Column One failed to recognize both the Constitutional protections afforded to our U.S. Citizenship and the fact that the relationship is based upon the mutual consent of Puerto Rico and the United States.

Aside from these legally inaccurate statements, the description of Commonwealth under Column One was also written using a fundamentally biased language. Each and every one of the status options can be described in numerous different ways, but for the process to work, each option must be described fairly. To put this in a context you may understand better, image that the PDP had controlled this process and had included the following description of statehood on the ballot: "Puerto Rico loses all existing international identity separate from that of the United States in order to become a State of the Union subject to the uniform application of all federal laws, including the full imposition of the federal income tax system, by a Congress in which Puerto Rico will have less than 1.5% of the voting power and where more than 90% of the members do not speak Spanish and represent districts with populations that are culturally different from that of Puerto Rico and with a geography that is different from that of Puerto Rico." That is certainly not a very appealing description of statehood. It is admittedly biased against statehood, yet it is 100% accurate as a matter of fact and law. The description of Commonwealth under Column One was biased against Commonwealth and it also was legally inaccurate. Accordingly, we had no alternative but to support the option titled "None of the Above."

As part of the legislative process on the enabling law of the December 13 vote, I suggested in my testimony before the Puerto Rico House of Representatives that Column One include a more accurate and less biased description of Commonwealth. I suggested that it

include the words in the Constitution of the Commonwealth of Puerto Rico to the effect that "the political power of the Commonwealth of Puerto Rico emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America." This description had already been adopted by the people of Puerto Rico and approved by the U.S. Congress (both House and Senate) and by the President. Unfortunately, the pro-statehood majority indicated that they would not support this language. Again, we had no choice but to vote for "None of the Above."

If you are inquiring as to the meaning of the vote for "None of the Above" when you ask for the "reasons for the outcome," the answer is rather simple and clear. Since the December 13 ballot was styled as a "petition to the U.S. Congress," it stands to reason that those of us who voted for None of the Above chose not to make any of the petitions on the ballot. The absolute majority vote for None of the Above is a clear rejection of statehood, independence and the associated republic status. Furthermore, voters understood perfectly well that by rejecting these status alternatives, the Commonwealth relationship — as we know it and have lived it for over 46 years — would continue. Any further attempts to psychoanalyze voters would serve no purpose other than to indulge the complaints of losers in a democratic system.

With regards to your request — sent 2 days ago — for a "further interpretation of Commonwealth," I can only tell you what I have told you before. If we are talking of Commonwealth as it exists today, I would accept any description that is consistent with the overwhelming majority of court cases which have recognized Commonwealth as an autonomous body politic and a unique status, by which the relationship is no longer bound merely by the territorial clause and the rights of the people of Puerto Rico as United States citizens, and is now bound by the United States and Puerto Rico Constitutions, P.L. 600, the Puerto Rican Federal Relations Act and the rights of the people of Puerto Rico as United States citizens. See, e.g., Rodriguez v. Popular Democratic Party, 457 U.S. 1, 7 (1982) ("Puerto Rico, like a state, is an autonomous political entity, 'sovereign over matters not ruled by the U.S. Constitution'"). Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663, 671-673 (1974); Examining Board v. Flores de Otero, 426 U.S. 572, 494-596 (1976); see also United States v. Quiñones, 758 F.2d 40, 42 (1st Cir. 1985) ("in 1952, Puerto Rico ceased being a territory of the United States subject to the plenary powers of Congress as provided by the Federal Constitution. The authority exercised by the federal government emanated thereafter from the compact itself. Under the compact between the people of Puerto Rico and the United States, Congress cannot amend the Puerto Rico constitution unilaterally, and the government of Puerto Rico is no longer a federal government agency exercising delegated power"); Córdova v. Chase Manhattan Bank, 649 F.2d 36 (1st Cir. 1981) (Breyer, J.) ("Puerto Rico's status changed from that of a mere territory to the unique status of Commonwealth").

With regards to your request regarding a "definition of Commonwealth" approved by the PDP on October 15, 1998, I must correct you in that what was approved on October 15 was not a "definition" of Commonwealth, but instead a "proposal to develop Commonwealth." While I do not have a problem with providing you with a copy of such proposal -- it has been available for some time on the PDP's Internet site (www.pava.net) for anyone to review and provide

constructive commentary — it is not appropriate to review this document as part of a review of the plebiscite results, which is what you indicate that you are undertaking.

While it is true that several of us within the PDP initially thought that we could argue to the voters that a vote for "None of the Above" was a vote for this proposal, it quickly became apparent that since we could not have this language actually included under the "None of the Above" option, it would be disingenuous for us to try to make such an argument. As a result, the PDP did not argue in any of the ads in favor of the "None of the Above" option, or elsewhere in our official campaign, that a vote for "None of the Above" was a vote for this proposal or any other Commonwealth development proposal.

Nevertheless, I would be happy to sit down and discuss with you a Commonwealth development proposal in a context separate from an analysis of the December 13 vote. I would first like some more detail from you, however, as to how you intend to proceed, and whether you in fact are interested in a constructive discussion on ways to develop Commonwealth.

As you know, on May 6, 1999, I will testify before the Senate Energy and Natural Resources Committee. At that time, I will present the committee with a detailed analysis of the December 13 vote, as requested by Chairman Murkowski. I will make sure you personally receive a copy of my testimony. Please feel free to call me directly if you have any further questions.

Sincerely,

Aníbal Acevedo Vilá

PROPOSAL FOR THE DEVELOPMENT OF THE COMMONWEALTH OF PUERTO RICO (ELA)

The People of Puerto Rico, in the exercise of their sovereignty, their national right to govern themselves and their own free will as the ultimate source of their political power, hereby reaffirm the existence of the Commonwealth of Puerto Rico (E.L.A.) established as an autonomous body politic, non-colonial and non-territorial, in permanent union with the United States of America within the terms of a compact which may not be revoked nor modified unilaterally, and proposes its autonomous development. The relationship between Puerto Rico and the United States will continue to be based on common defense, market and currency as well as the irrevocability of the american citizenship, which is acquired by birth and protected by the United States Constitution.

This relationship guarantees the autonomous development of Puerto Rico based on the democratic principle of government by consent and the recognition of Puerto Rico as a Nation with its own history, culture and Spanish language.

In order to achieve greater economic progress, the people of Puerto Rico propose the development of the Commonwealth relationship by retaining all powers not specifically delegated to the United States. In conformity with Puerto Rico's fiscal autonomy, both parties agree to identify economic areas for future development in which combined efforts will generate employment and other benefits for both nations, including the flexibility in the use of federal funds, provided programs for direct assistance to individuals shall continued as presently construed. The Commonwealth (E.L.A.) shall have authority to enter, among others, into tax and commercial agreements with foreign countries as well as to attain membership in regional and international organizations consistent with the common security and defense interests of the United States and Puerto Rico, as agreed under the compact.

Once the proposal for development is endorsed by the people of Puerto Rico, a Constitutional Assembly shall be convened to negotiate with the government of the United States the terms and conditions of the compact, which shall include, a mechanism for consent to the application of legislation approved by the Congress of the United States of America.

As approved by the Popular Democratic Party October 15, 1998.

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

April 16, 1999

The Honorable Ruben Berrios-Martinez
President of the Puerto Rican Independence Party
Senate of Puerto Rico
PO Box 3431
San Juan, Puerto Rico 00901

Dear President Berrios-Martinez:

The Committee on Resources has received the official results of the December 13, 1998, political status plebiscite conducted under the laws of Puerto Rico. While the numerical count of the ballots appears to be precise and in good order, the reasons for the outcome are unclear.

As president of one of the three principal political parties in Puerto Rico, you are requested to submit to the Committee on Resources by May 1st, 1999, the public position espoused by your party regarding the meaning of the vote. It is very important for the Congress to understand the views of the political parties on interpretation of the results and why voters cast their ballots as they did.

Your timely input is appreciated and should be faxed to the Committee at (202) 225-5929. Your response will be valued as Members of Congress consider various matters of importance to the people of Puerto Rico during the 106th Congress.

If you have any questions regarding my request, please contact me personally or T.E. Manase Mansur of the Committee staff at (202) 226-7400. I look forward to your submission and continuing to work with you and the leaders of Puerto Rico on behalf of the United States citizens of Puerto Rico.

Sincerely,

DON YOUNG
Chairman

cc: Honorable George Miller
Honorable Carlos A. Romero-Barceló

Senado
Capitolio
San Juan, Puerto Rico 00901

Rubén Berríos Martínez
Senador

May 3, 1999

The Hon. Don Young, Chairman
Resources Committee
Longworth HOB
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Young:

In response for your request concerning the status referendum held by the Government of Puerto Rico last December, I have enclosed a copy of my 1995 statement before the Subcommittee on Native American and Insular Affairs (Annex 1)[1]. As I recall, you chaired the Committee on Resources and the Hon. Elton Gallegly chaired that Subcommittee, of which you were also a member.

After reviewing the results of the non-binding consultation on status held by the Government of Puerto Rico in December 1998,[2] I find that my recommendations to Congress would be along the same lines as proposed in that statement.[3] As I said then:

> As regards statehood, Congress should take "no" for an answer...
>
> Congress should face the Puerto Rican problem once and for all; not in a piecemeal basis, responding to the most recent crisis...but through an integrated, coherent response that is mindful of the long term consequences of such decision.
>
> Howshould Congress go about such task? Our proposal is simple and direct. Congress should legislate to offer a choice between a sovereign, non-colonial, non-territorial Free Associated State, and independence, an inalienable right which therefore must always be present as an option.

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[1] Rubén Berríos Martínez, President of the Puerto Rican Independence Party, Statement Before the Subcommittee on Native American and Insular Affairs (October 17, 1995).

[2] See Exit Poll conducted by Precision Research and The San Juan Star. The San Juan Star, May 2, 1999, p.30, enclosed here as Annex II.

[3] See also, the ensuing discussion with Congressman Burton, American Samoa's Delegate, Mr. Falcomavaega and Puerto Rico's Resident Commissioner, Mr. Romero-Barceló at U.S. House of Representatives, Joint Hearing before the Subcommittee on Native American and Insular Affairs of the Committee on Resources and the Subcommittee on the Western Hemisphere of the Committee on International Relations, 104th Cong. Serial No. 104 56 (October 17, 1995), pp. 54-60.

There may well be procedural alternatives to the one we have proposed today but they will in the long run respond to the same interests and realities. The end result will undoubtedly be the same, a firm steady course towards separate sovereignty, but the process will surely be more painful and costly.

I look forward to further and fuller discussions on this matter. Should you decide to hold further hearings, I shall elaborate on these and other points that may need further clarification.

Sincerely,

Rubén Berríos Martínez
Senator and President
Puerto Rican Independence Party

Enclosures

ANNEX I

STATEMENT BEFORE SUBCOMMITTEE ON NATIVE AMERICAN & INSULAR AFFAIRS
OCTOBER 17, 1995
SENATOR RUBEN BERRIOS MARTINEZ, PRESIDENT
PUERTO RICAN INDEPENDENCE PARTY

In 1989 the presidents of the three Puerto Rican political parties, petitioned the U. S. Congress for federal legislation to solve Puerto Rico's political status.

I vividly recall my first meeting with Senator Bennett Johnston, then chairman of the Senate Natural Resources Committee, regarding this matter. I told him: the real issue before all of us is whether the Puerto Rican nationality, which I compare to a ship adrift in mid ocean, should be steered towards separate sovereignty or towards statehood That was the issue then and that is the issue now.

Years later and in light of the ensuing congressional paralysis, Puerto Rico took up the suggestion made by several U. S. senators and held the 1993 status referendum under Puerto Rican law.

Now, faced with the referendum results, this Committee should address itself to the same question I posed to Senator Bennett Johnston six years ago. Which way should Congress move?

The Puerto Rican people have already spoken. Congress should therefore move in the direction of the petition made by the Puerto Rican people, particularly when the will of the Puerto Rican people in this case coincides with the national

interest of the United States.

The November 14,1993 referendum on status gave the people of Puerto Rico a choice of three status options: Statehood, Free Associated State (or Commonwealth) and Independence. The absolute majority of the Puerto Rican people (53%) rejected statehood and petitioned the U. S. for one form or another of sovereignty for Puerto Rico. Of that absolute majority, 4.5% voted for independence and a plurality, 48.9%, opted for a Free Associated State based on a bilateral pact with the U. S. - that is to say a juridical relation that cannot be unilaterally altered by Congress in the exercise of its powers under the Territorial Clause, a juridical relation that presupposes the recognition by Congress of Puerto Rico's sovereignty.

It should not come as a surprise that many in Congress were thankful that statehood was defeated. Otherwise Congress would have been faced with a statehood petition which it would have been forced to refuse for very powerful reasons, many of which, if I were an American, I would also share.

Some would have you believe that Puerto Rico's problem is one of civil rights or disenfranchisement, like that of the District of Columbia. But it is not. It is a problem of a different nature, of a different species. To the United States, Puerto Rico poses a problem not of individual rights, but of the collective rights of a people; of the right of a distinct nationality to govern itself in its separate and

distinct homeland.

Puerto Rico's problem is colonialism; and integration as a state could generate an explosive conflict of nationalities within the United States. The dawn of the 21st century hardly seems the appropriate time to bring back, literally from the dead, the question of secession into the America political scene. Even Puerto Rican statehooders insist that Puerto Rico become a state without compromising its distinct language and cultural identity.

Quebec, Ireland, Lithuania, Bosnia and Chechnia serve to underline the often unpredictable, sometimes explosive but always disruptive nature of nationality conflicts. As concerns the American federal body politic, Puerto Rico is a non - compatible donor. One should not underestimate the power of ideas such as federalism; but blood, land and language are closer to home.

Senator Robert Dole and Speaker Gingrich, in proclaiming the primacy of the English language as a cohesive force in U. S. federalism, have shown that they are well aware of these problems.

The fundamental issue for the U. S. as regards Puerto Rico is what type of juridical and political relationship Congress is willing to establish with a people who constitute a distinct nationality, who inhabit a distinct and separate territory, who speak a different language, and who unanimously aspire to maintain their own identity.

By rejecting statehood and favoring some form of sovereignty, separate and distinct from that of the United States, Puerto Ricans have answered that question for you in a manner consistent with your best interests.

As regards statehood, Congress should take "no" for an answer.

Congress now has the opportunity, in accordance with the will of the Puerto Rican people, to steer the ship of Puerto Rican nationality in the correct direction; towards separate sovereignty, away from statehood.

That separate sovereignty is the correct alternative becomes even more evident now that Congress is on the verge of drastically altering or eliminating section 936 of the U.S. Internal Revenue Code.

Even when our economy enjoyed full 936 tax privileges and preferential entry into the U.S. market in pre-NAFTA days, Puerto Rico become the welfare capital of the Hemisphere. Imagine the scenario under post-936 conditions together with two senators and 6 or 7 representatives, for that is what statehood implies. Puerto Rico would become a chronically depressed ghetto state and its congressional delegation a permanent lobby for increased welfare payments as the only alternative to massive migration.

What Puerto Rico requires in order to develop is not more welfare but more economic powers and flexibility, economic tools and decisions that respond to our needs and not to those of the highly develop U.S. economy. Nations, like persons

have different ills that demand different treatments.

Puerto Rico needs more economic instruments and power to enter into tax sparring treaties with capital exporting nations other than the U.S. while making use of the foreign tax credit; to institute a separate wage, labor and tax policy, to develop infant industry and local capital accumulation, to eliminate the offshore shipping laws, among many other development tools. Statehood which demands uniformity would permanently impair such possibilities. Only separate sovereignty can provide for such alternatives.

Congress should face the Puerto Rican problem once and for all; not in a piecemeal basis, responding to the most recent crisis as is now the case with section 936, but through an integrated, coherent response that is mindful of the long term consequences of such decision.

How should Congress go about such a task? Our proposal is simple and direct. Congress should legislate to offer a choice between a sovereign, non-colonial, non - territorial Free Associated State, and independence, an inalienable right which therefore must always be present as an option. I remind you that only two years before the Declaration of Independence, George Washington was still saying that "Independence is not desired by any thinking man in North America".

We propose the creation of a Joint Committee of the U.S. Congress to draft the terms and conditions for the independence of Puerto Rico and for a bilateral

pact between the United States and the Free Associated State of Puerto Rico, in accordance with applicable principles of international law and the U. S. constitution. After consultations with the President of the United States, Puerto Rico's political parties and other interested persons as may be appropiate, congressional approval through a fast-track process would constitute the U.S. offer. The people of Puerto Rico would then vote on the form of sovereign self government of their choice, not later than July 25, 1998. A full century of U.S. colonialism is more than enough, both for the colonizer and the colonized.

I must also point out that the outcome of this proposal would constitute a solid basis upon which to develop a policy for the relations between the United States and the nations of the Caribbean region.

One of the main principles of such hemispheric policy should be that intimate economic relations must not imply cultural and political assimilation.

Under statehood, Puerto Rico would never be seen as a bridge between the Americas; as a state of the American Union Puerto Rico would more likely be perceived as an American Trojan Horse in the midst of Latin America, a permanent extension of the U. S. border into the Caribbean.

Let me before concluding introduce a word of caution. Whatever the specific course Congress may decide to take, you should at least speak clearly and forthrightly to the Puerto Rican people.

Regarding the status of Puerto Rico as Senator Patrick Moynihan said on the Senate floor a few short years ago: "The fundamental issue is...whether Puerto Ricans want to become Americans..., or whether they want to retain a separate identity." In light of the Senator's most accurate description of reality, you should make clear to Puerto Rico the evident conclusion: that as long as Puerto Ricans are Puerto Ricans, with their distinct identity and language, Congress as a body cannot seriously consider statehood.

Furthermore, Puerto Ricans should be told the truth regarding the present status: that Commonwealth is a colonial status, an unincorporated territory of the United States; and that Congress could only enter into a bilateral pact with a separate sovereign body politic. As regards independence, which is a right and not a privilege, I have no doubt that we would be able to agree on the terms and conditions for a Treaty of Friendship and Cooperation.

If Congress fails to speak clearly, the result would be the continuation of colonialism by inertia. This would be contrary to the results which many of you intend, as well as to the will of the Puerto Rican people. I need only remind you that the present status, Commonwealth-as-is, was not even on the referendum ballot.

The solution to the Puerto Rico status problem is within your grasp. If you do not respond favorably to the referendum results and speak clearly to the Puerto

Rican people, you may have to face an embarrassing statehood petition tomorrow, not because Puerto Ricans will have met the criteria advanced by Senator Moynihan, but as a result of Puerto Rico's continuing economic dependence and subordination. Puerto Rico has spoken; Congress should speak now.

There may well be procedural alternatives to the one we have proposed today but they will in the long run respond to the same interests and realities. The end result will undoubtedly be the same, a firm and steady course towards separate sovereignty, but the process will surely be more painful and costly.

Congress would do well to heed some very sound advice from William Shakespeare:

> There is a tide in the affairs of men
> Which taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.
> On such a full sea are we now afloat,
> And we must take the current when it serves,
> Or lose our ventures.

PROELA
P.O. Box 194066
San Juan, Puerto Rico 00919-4066

May 10, 1999

The Honorable Don Young
Chairman
Committee on Resources
United States House of Representatives
The Capitol
Washington, D. C. 20510

Dear Chairman Young:

You have requested the views of Puerto Rico's three political parties regarding the 1998 status plebiscite. PROELA officially represented free association on that plebiscite. We were lawfully certified by the State Electoral Commission for that task. As such, we present to you our comments with the desire that they be made part of the record on equal footing as the comments of the three parties.

Furthermore, we request that the Committee invites us to take part on any hearing or workshop that you convene on this issue on the same level as the representatives of the other other three options. We trust that you will act upon the fairness of our request.

FJK

Last year, the U.S. House of Representatives narrowly approved H.R. 856, a bill that would have called for a plebiscite. This bill had the strong endorsement of the pro-statehood goverment and of the Independence party and the equally strong opposition of the Popular Democratic Party, the pro-commonwealth party, and other sectors of our political spectrum. The U.S. Senate, however, did not pass the bill.

In an unapproved "Chairman's Draft", the Senate's Energy Committee substituted statehood for an offer of incorporated territory. That is, as you know, the extension of federal taxation without the corresponding political representation.

Thus, the Government of Puerto Rico decided to call a vote on their own terms. They defined the options as territorial commonwealth, free association, statehood, independence and "None of the above." The pro-commonwealth party was upset with both the definitions and the process and chose the "None of the above" column. We represented free association assuming all the risks of not following our party's line.

During the campaign, PROELA served as the official and legal representative of the free asssociation option contained on column number two

of the ballot. We were lawfully certified by Puerto Rico's State Electoral Commission (SEC) as such and feel very proud to have been the first organization in the history of Puerto Rico recognized as the electoral trustee of free association. Being a civic organization and not a political party in the island, we had to comply with special requisites provided by law. We have done so to the full extent of what was required.

As part of our campaign, we coordinated work with various other organizations who support free association like Juventud Autonomista, Acción Democrática Puertorriqueña and Impulso Autonomista. We also had the fortune of counting in our ranks with people of the caliber and reputation of Miguel Lausell, Esq., Antonio Fernós, Ph.D., a renowned constitutional scholar, Juan R. Fernández, Ph.D., the former University of Puerto Rico at Río Piedras Chancellor, Judge José Antonio Casillas (Ret.), Dr. Richard Machado, M.D., a prominent figure in the health care sector, Dr. Enrique Vázquez Quintana, M.D., a former Secretary of Health under the Rosselló administration, and former Puerto Rican legislators Marco Rigau and Juan López-Hernández.

We ran a civic and educational campaign. But the majority parties ran a warm-up for the next gubernatorial election between Governor Pedro Rosselló and San Juan Mayor Sila Calderón. Let me give you an example of this. The main issue of the campaign was not the discussion of the benefits and drawbacks of each of the options. Rather, it was whether or not Governor Rosselló and Mayor Calderón would meet, head to head, in a televised debate. For weeks Governor Rosselló and Mayor Calderón danced around each other, taunting and retreating. It became clear that there was not going to be a debate, nor a serious discussion of the issues. Instead, we had the first electoral skirmish between future political foes.

In the end, Mayor Calderón handily won her preliminary battle with Governor Rosselló. "None of the above" garnered more that 50% of the votes. Statehood did not advance even one percentage point from the 46% it got in 1993. As for us, in the partisan polarization that took place, our support dwindled to a reduced core.

Succintly stated, the December vote means five things:

1) no single option has a majority;
2) 53% of the electorate clearly affirms Puerto Rican nationhood and rejects assimilation (that is exactly the same proportion produced by the 1993 plebiscite);
3) the approach contained in 1998's H.R. 856 was also rejected by a majority of voters;
4) the pro-statehood governor suffered a sound defeat at the hands of his likeliest contender, the mayor of San Juan and;
5) locally sponsored plebiscites are no longer respected as useful tools for the solution of the status dilemma.

The political initiative from Puerto Rico, in terms of status, has been given to the leaders of the pro-commonwealth party. Commonwealth, free association and independence backers coalesced in the "None of the above" column to reject what they percieved as imminent dangers. Now the leaders of that coalition, if they wish to keep it together, must find a common ground proposal.

Last October 15, the governing board of the Popular Democratic Party approved a plan to develop commonwealth toward sovereignty, a bilateral compact and international powers. Whether they call it as such or not, it is a form of free association. Therefore, we endorse its inclusion in any process as a form of sovereign autonomy.

For Congress, the result of the plebiscite means one thing. Puerto Ricans are not going to make a final determination on status until Congress and the Executive Branch engage the issue and commit themselves to responding to the people's will. Under the U.S. Constitutional system, Congress can only do that by approving a federal statute. It has yet to do that. We urge you to do it soon.

In order to avoid conflict and confusion with the upcoming electoral year, we feel that no other process should be convened in Puerto Rico until after the year 2000. However, that does not mean we favor inaction until that time. Congress could still enact a process before the end of this term and set it in motion after the electoral cycle. Thus, there would be time and space to take on both the serious responsibility of selecting a government and then selecting a status.

On a related matter, let me state that PROELA strongly opposes any initiative to impose federal income taxes on the Commonwealth. That is a proposal that is clearly rejected by an overwhelming majority of Puerto Ricans.

The advocacy of federal taxation on Puerto Rico is but a ploy of those who, unable to prevail in the ballot box, wish to surreptitiously impose a specific status change without popular consent. Federal taxation is nothing but concealed incorporation. And that, constitutionally speaking, means the promise of eventual statehood. No one has voted for that in Puerto Rico. Therefore, we will join forces with all sectors and parties to combat this undemocratic and immoral strategy. We trust you will see its transparency.

However, PROELA wholeheartedly welcomes the structuring of a process in which a dialogue with the political leadership of Puerto Rico is held and the viable political options can be clarified and set apart from the unfeaseable ones. It is our desire to support that process, as we have done in the past, and to represent --on equal footing with all other options and their proponents-- the formula of free association between Puerto Rico and the United States.

In setting up this process, we urge you to consider the proposal submitted by the Mayor of Ponce, Hon. Rafael Cordero-Santiago, on a February 10 letter to the President of the United States in which he calls for a panel of constitutional experts of each option to be convened to discuss matters with representatives of

the Administration and of the Congress. This might be a sound approach to a most difficult issue. Your committe should look into it.

We are now well into the first year of the second century of Congressional unwillingness or inability to take the Puerto Rican status issue by the horns and solve it. We all know the hot potatoes, the trouble spots and the hard choices that need to be made in order to solve the problem. Puerto Rico is a distinct nation made,up of U.S. citizens. Territorial options are unacceptable. These realities clearly produce a limited set of options. In the end, the real choice is between eventual statehood via incorporation or Puerto Rican nationhood, via free association with the U.S. or independence. Offer them, legislate a process and then set it in motion on the year 2001.

We stand ready to furnish you with additional information and expect to hear from you soon. Thank you very much.

Sincerely,

Luis Vega-Ramos, Esq.
President

Enclosure: Certification of Puerto Rico's State Electoral Commission recognizing PROELA as the official electoral representative of free association in the 1998 status plebiscite.

Estado Libre Asociado de Puerto Rico
COMISION ESTATAL DE ELECCIONES
San Juan, Puerto Rico

CERTIFICACION DE AGRUPACION O ENTIDAD PARA REPRESENTAR OFICIALMENTE LA OPCION 4C QUE APARECE EN LA COLUMNA 2 DE LA PAPELETA DEL PLEBISCITO A CELEBRARSE EL 13 DE DICIEMBRE DE 1998

POR CUANTO: La Ley 249 del 17 de agosto de 1998, conocida como Ley Habilitadora en su Artículo 10 establece que cualquier agrupación, organización o entidad podrá solicitar que se le certifique para representar oficialmente cualquier opción que no esté representada por un partido político siempre y cuando cumpla con los requisitos establecidos en dicha ley.

POR CUANTO: Cualquier agrupación, organización o entidad podrá solicitar que se le certifique para representar oficialmente cualquier opción que no esté representada por un partido político.

POR CUANTO: La CEE procederá a expedir una certificación acreditando dicha petición, siempre que la agrupación, organización o entidad cumpla con los requisitos establecidos por ley, supra y el reglamento.

POR CUANTO: La agrupación conocida como PROELA, Inc. presidida por el Lcdo. Luis Vega Ramos radicó una solicitud a la CEE para representar la opción 4C, la cual no estaba representada por un partido político.

POR CUANTO: La CEE de conformidad con la Sección 6.1 del Reglamento procederá a certificar a la primera agrupación, organización o entidad que cumpla con los requisitos establecidos por Ley y el Reglamento.

POR CUANTO: La agrupación conocida como PROELA, Inc. cumplió el 10 de noviembre de 1998, con los requisitos y cantidades de peticiones de endoso válidas requeridas por la Ley Habilitadora.

POR CUANTO: El Secretario de la Comisión ha verificado que la agrupación PROELA, Inc. ha satisfecho los requisitos legales y constitucionales para su certificación en representación de la opción 4C para el Plebiscito 1998, de conformidad con la Ley y el Reglamento.

POR TANTO: El Presidente, en función de la autoridad que le confiere el Artículo 5 de la Ley Habilitadora certifica a **la Agrupación o entidad conocida como PROELA, Inc. presidida por el Lcdo. Luis Vega Ramos para representar la Opción 4C que aparece en la columna número 2 de la papeleta del Plebiscito del 13 de diciembre de 1998.**

POR TANTO: La CEE de conformidad con la ley 249 de 17 de agosto de 1998 y el Reglamento, certifica que la agrupación conocida como PROELA, Inc. cumplió con todos los requisitos establecidos por la ley y el reglamento para representar la opción 4C que aparece en la columna número 2 de la papeleta del Plebiscito de 1998. **La CEE certifica que la agrupación conocida como PROELA, Inc. presidida por Luis Vega Ramos tendrá los derechos y deberes y prerrogativas que le correspondan de acuerdo a las disposiciones de la Ley Habilitadora.**

REGISTRESE Y NOTIFIQUESE:

En San Juan, Puerto Rico, a 12 de noviembre de 1998.

Juan R. Melecio
Presidente

Comisionado Electoral PNP

René Arrillaga Belendez
Comisionado Electoral PRD

Damaris B. Mangual Vélez
Comisionada Electoral PIP

CERTIFICO: Que en esta misma fecha se ha notificado con copia de la anterior a los partidos políticos que representan una opción en el Plebiscito y a las partes interesadas.

En San Juan, Puerto Rico, a 12 de noviembre de 1998.

Ramón M. Jiménez Fuentes
Secretario

APPENDIX D

COMPARATIVE RESULTS OF POLITICAL STATUS VOTES
CONDUCTED UNDER LOCAL LAW
IN PUERTO RICO

Following conferral of United States citizenship on persons born in Puerto Rico in 1917 (39 Stat. 961) and establishment of internal self-government under a locally-adopted constitution approved by Congress (64 Stat. 319), three political status votes have been conducted in Puerto Rico, but without federal authorization. The legal definitions of status options and the manner in which such options were presented on the ballot in each vote were determined through the internal constitutional process of Puerto Rico and prescribed by local law. The results of these votes were as follows:

Ballot Options	Dates and Results of Puerto Rico Political Status Plebiscite Votes:		
	July 23, 1967	*November 14, 1993*	*December 13, 1998*
Commonwealth	60.5%	48.6%	0.01%
Statehood	38.9%	46.4%	46.5%
Independence	0.5%	4.5%	2.5%
Free Association	*	*	.02%
None of the Above	*	*	50.2%

*Only the December 13, 1998 vote included ballot options of Free Association and None of the Above.