

## THE SENATE AND THE HOUSE OF REPRESENTATIVES OF PUERTO RICO

### THE CAPITOL

We, **THOMAS RIVERA-SCHATZ**, *President of the Senate*, and **JENNIFER GONZALEZ-COLON**, *Speaker of the House of Representatives*,

### **CERTIFY**

**That the Senate of Puerto Rico and the House of Representatives of Puerto Rico approved in final vote Senate Concurrent Resolution No. 67, introduced by Mr. Rivera-Schatz; Mrs. Nolasco-Santiago; Mr. Seilhamer-Rodríguez, Mrs. Arce-Ferrer; Mr. Ríos-Santiago; Mrs. Padilla-Alvelo; Mr. Berdiel-Rivera; Mrs. Burgos-Andújar; Mr. Díaz-Hernández; Mrs. Fernández-Rodríguez; Messrs. González-Velázquez, Iglesias-Suárez, Martínez-Santiago, Muñiz-Cortés; Mmes. Peña-Ramírez, Raschke-Martínez; Mr. Rodríguez-Martínez; Mmes. Romero-Donnelly, Santiago-González, Soto-Villanueva; Mr. Torres-Torres; and Mrs. Vázquez-Nieves, and that the same reads as follows:**

### **CONCURRENT RESOLUTION**

To request the President and the Congress of the United States to respond diligently and effectively, and to act on the demand of the people of Puerto Rico, as freely and democratically expressed in the plebiscite held on November 6, 2012, to end, once and for all, its current form of territorial status and to begin the process to admit Puerto Rico to the Union as a State.

### **STATEMENT OF MOTIVES**

On November 6, 2012, the people of Puerto Rico made history by requesting, for the first time ever, the conclusion of the island's current territorial status. Almost 78% of registered voters participated in a plebiscite held to resolve Puerto Rico's status, and a clear majority (54%) disagreed with Puerto Rico maintaining its present territorial status. Furthermore, among the possible alternatives, statehood received a super majority of the votes (61%), which constitutes an unequivocal petition by the U.S. citizens of Puerto Rico to enjoy the same rights, benefits and obligations as the citizens of the States of the Union, including the right to full representation in Congress and participation in presidential elections, as well as the full extension to Puerto Rico of the powers reserved to the States or the people by the Tenth

Amendment of the United States Constitution. As the representatives of these U.S. citizens of Puerto Rico, this Legislative Assembly issues this petition to the President and the Congress of the United States to grant the request for legislation to end the territorial status and to begin the transition to statehood.

Puerto Rico is a territory of the United States by virtue of the Treaty of Paris, signed by the United States and Spain, at the end of the Spanish-American War. Individuals born in the island have been granted U.S. citizenship since 1917. The territory has been granted the exercise of authority over insular matters similar to the authority possessed by the States but our people are only represented in their national government by a sole resident commissioner who has been granted a seat in the U.S. House of Representatives with a vote only in committees of the House. The U.S. citizens of Puerto Rico are not represented in the U.S. Senate and are unable to vote in presidential elections. Under our current situation, Puerto Rico does not have equal voting representation (or any voting representation) in the government that makes and implements its national laws: an essential requirement for democracy according to the most basic American values and international law. That is, in addition, Puerto Rico's territorial status enables its U.S. citizens to be discriminated against in Federal programs.

According to the 2010 U.S. Census, more than 3.7 million U.S. citizens live in Puerto Rico and there are now some 4.7 million citizens of Puerto Rican origin living in the States and the District of Columbia. Puerto Ricans have historically made major contributions to American society in such aspects as business, academics, culture, sports, public service, national defense and other fields of endeavor, as well as fought valiantly in every U.S. war since World War I, at a level of participation well beyond the national average.

Puerto Ricans have always wanted a status that is democratic at all levels, consistent with the United States commitment to democracy and self-determination and international law. Plebiscites were held in 1967, 1993 and 1998. All of these plebiscites sought to change the current government arrangement, but none of the possible alternatives to the present territorial status obtained a majority vote. These plebiscites generated confusion in terms of the proposals for a "New Commonwealth" that were different than the current arrangement but were not possible under U.S. Constitutional Law, according to multiple federal executive and legislative branches of the federal government. Over the years, many Presidents as well as the Congress of the United States have also acted to resolve the issue. In 1979, both Houses of Congress passed resolutions committing to support Puerto Rican self-determination. In 1990 and 1998, the U.S. House of Representatives passed bipartisan bills to establish a process for a choice among viable status options and its implementation. In 1998, the U.S. Senate passed a resolution committing to respond to a Puerto Rican referendum choice. In 2000, the President and Congress enacted legislation providing for a plebiscite on Puerto Rico status but it was not implemented.

As recently as 2010, the U.S. House passed a bill for a plebiscite among Puerto Rico's status options: statehood; independence; nationhood in an association with the U.S. that either nation could end –free association– and continuing with the current status under which Puerto Rico is subject to congressional governing authority pursuant to the Territorial Clause of the U.S. Constitution until the island by majority vote seek one of three possible non-territorial alternatives. The administrations of the last four presidents have reported on the possible status options for Puerto Rico.

The most recent report of the President's Task Force on Puerto Rico's Status concluded that **"it is time for Puerto Rico to take the next step in the history of its status...immediate and true forward movement on the issue...would greatly benefit the people...the time to act is now."** The Task Force also stated that it would be **"best...for the people [of Puerto Rico]...to speak first, with swift congressional action vindicating their will to follow."**

The 2012 plebiscite was guided by the Task Force report. After consultations with representatives of all of Puerto Rico's political parties, the Governor proposed and the Legislative Assembly enacted Act 283 - 2012 for a plebiscite to be held simultaneously with the 2012 general elections, on November 6.

The plebiscite asked Puerto Rico's voters if they wanted the current territorial status (also known as "Commonwealth" after the name of Puerto Rico's insular government) to continue and their preference among the three possible non-territorial alternatives recognized by the Task Force, the U.S. Congress, and international law: Puerto Rico becoming a State of the United States, becoming an independent nation; or becoming a nation in an association with the United States that either nation can end (Sovereign Free Associated State).

The three options were defined in the ballot as follows:

### **Statehood**

"Puerto Rico should be admitted as a state of the United States of America so that all United States citizens residing in Puerto Rico may have rights, benefits, and responsibilities equal to those enjoyed by all other states of the Union, and be entitled to full representation in Congress and to participate in the Presidential elections, the United States Congress would be required to pass any necessary legislation to begin transition into Statehood."

### **Independence**

"Puerto Rico should become a sovereign nation, fully independent from the United States and the United States Congress would be required to pass any necessary legislation to begin the transition into independent nation of Puerto Rico."

### **Free Associated Sovereign State**

“Puerto Rico should adopt a status outside of the Territorial Clause of the Constitution of the United States that recognizes the sovereignty of the People of Puerto Rico. The Free Associated Sovereign State would be based on a free voluntary political association, the specific terms of which shall be agreed upon between the United States and Puerto Rico as sovereign nations. Such agreement would provide the scope of the jurisdictional powers that the People of Puerto Rico agree to confer to the United States and retain all other jurisdictional powers and authorities.”

As stated above, the results of the plebiscite could not be clearer. Almost 78% of registered voters went to the polls, the biggest participation in any of the status plebiscite held on the island, and even greater than the participation to ratify the Commonwealth Constitution on 1952. In results unanimously accepted by the State Elections Commission of Puerto Rico, which has representation from all of the territory’s political parties, 54% (958,915 votes) rejected the current territorial status and only 46% (816,978 votes) supported it. In addition, 61.11% (824,195 votes) were cast for statehood, 33.34% (449,679 votes) for Puerto Rico becoming a Sovereign Free Associated State, and 5.55% (74,812 votes) for independence. The rejection by the People of Puerto Rico of the islands’ current territory status was so overwhelming that it got more votes than any candidate in the general elections, including the newly Governor-Elect.

Both of the major U.S. national political parties included in their 2012 election platforms their support for the final resolution of Puerto Rico’s status. The Democrats stated that “[i]f the process [referring to the plebiscite] produces a clear result, Congress should act on it quickly with the President’s support”. The Republicans, for their part, made a similar commitment, stating their “support [for] the right of the United States citizens of Puerto Rico to be admitted to the Union as a fully sovereign state if they freely determine so.”

In free and democratic votes called by their elected representatives, the people of Puerto Rico have, for the first time and by substantial majorities, voted for the current territory status to be replaced by one of the non-territorial alternatives identified as possible by the Government of the United States: admission as a State into the Union on an equal footing with the other States. Their vote, which constitutes a valid exercise of self-determination, represents their will to enjoy the same rights, benefits, and responsibilities enjoyed by U.S. citizens residing in the States of the United States, including voting representation in Congress and voting representation in the election of the president and the vice-president of the United States, as well as the full extension to Puerto Rico of the powers reserved to the States or the people by the Tenth Amendment of the United States Constitution.

The United States of America, as the Leader of the “Free World” and the international community’s Champion of democracy and self-determination, must not ignore the legitimate expression of the U.S. citizens of Puerto Rico to petition the government for redress of their grievances pursuant to the First Amendment of the United States Constitution as well to exercise their right to self-determination. Specifically, the people of Puerto Rico, by a direct vote, have petitioned that the Federal government redress the grievance that consists of maintaining Puerto Rico subject to laws, treaties and taxes that are legislated by a Congress in which it is devoid of equal and voting representation, and signed into law by a President for whom these same American citizens cannot vote, due only to the fact of residence in the territory of Puerto Rico. In sum, the people of Puerto Rico have decisively rejected the continuation of the territory status that has heretofore permitted said grievance.

The history of the United States is one of progressive recognition of the equal rights of previously marginalized groups of American citizens. In this regard, our fellow citizens of Hispanic origin in the States will be especially attentive to the response of the Federal Government and the national political parties to the petition for equality of the people of Puerto Rico.

The demographic reality of the United States, evidenced by the 2010 Census, is that Hispanics are the largest and fastest-growing minority group in the Nation. The growing influence of Hispanics in America’s political processes is especially notable in States such as Colorado, Florida, New York, Illinois, Nevada, Ohio, and Pennsylvania. With the people of Puerto Rico having exercised their right to self-determination in the quintessential “American way” –that is to say, at the ballot box– the American people as a whole and Latinos in particular, are sure to be increasingly concerned about the way in which the President and Congress respond to the petition for equality of the U.S. citizens of Puerto Rico. The President and Congress’ response to such petition will show people of Hispanic origin throughout the Nation whether the statements of inclusion and empowerment of the national political parties are rhetoric or reality.

Similarly, the international community will also judge the commitment of the United States to its stated principle of democracy and self-determination by the way in which it responds to the petition of the people of Puerto Rico for equality in their Nation. In redressing the grievances of its citizens in Puerto Rico, the United States has an opportunity to demonstrate to the world the authenticity of its long-standing policy in support of the right of people everywhere to choose their form of government, this, in the context of vigorous, ongoing American leadership on behalf of self-determination and democracy in Iraq, Afghanistan, Bosnia-Herzegovina, Libya, Egypt, Tunisia, Syria and other nations.

The response of the President and the Congress of the United States to the petition of the people of Puerto Rico has also implications for the Nation's compliance with international obligations. Specifically, the International Covenant on Civil and Political Rights, adopted by the United Nations on December 19, 1966, declares in Article 1.1: "All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Article 25 further declares:

Every citizen shall have the right and the opportunity... without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

On June 8, 1992, the United States ratified the Covenant on Civil and Political Rights, whose Article 1.3, further requires its signatories to "promote the realization of the right of self-determination" and whose Article 2.2 stipulates that:

Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

It is incumbent upon Congress and the President to recognize that the territory status to which Puerto Rico and its citizens have been subjugated is no longer acceptable. Specifically, in view of the results of the plebiscite, the time has come for the President and Congress to begin a process for Puerto Rico's admission as a State of the Union, so that the U.S. citizens who reside in Puerto Rico may enjoy the same rights, benefits and obligations as the citizens of the other States, including the right to voting and equal representation in Congress and voting for the president and the vice president.

The President and Congress, therefore, have a political and moral obligation to enact all necessary legislation to respect the freely and democratically expressed will of the People of Puerto Rico. This requires replacing the current territorial status, commonly known as "Commonwealth", under which Puerto Rico has no votes in its national government and can be - and is -- treated unequally in some important Federal laws, with the equality of statehood, which would give the U.S. citizens of Puerto Rico voting representation - and equal representation - in their national government and equal benefits and responsibilities in national laws.

**BE IT RESOLVED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- To request the President and the Congress of the United States to respond diligently and effectively, and to act on the demand of the people of Puerto Rico, as freely and democratically expressed in the plebiscite held on November 6, 2012, to end, once and for all, its current form of territorial status and to begin the process of admission of Puerto Rico as a State of the Union, so that the U.S. citizens who reside in Puerto Rico may enjoy the same rights, benefits, and responsibilities as the citizens of the States of the Union, including the right to vote and to equal representation in Congress and vote in presidential elections, as well as the full extension to Puerto Rico of the powers reserved to the States or the people by the Tenth Amendment of the United States Constitution.

Section 2.- A copy of this Concurrent Resolution shall be delivered to the President, the Vice President, and the Secretary of State of the United States, all Members of the 112<sup>th</sup> Congress of the United States, as well as Members-Elect of the 113<sup>th</sup> Congress of the United States, along with pertinent governmental and non-governmental organizations, human rights organizations and media outlets, among others, at the local, national and international levels.

Section 3.- This Concurrent Resolution shall be approved in Spanish and English, the official languages of Puerto Rico.

Section 4.- This Concurrent Resolution shall take effect immediately upon its approval.

*In witness whereof we hereunto sign and affix the Seal of the Legislative Assembly of Puerto Rico. Issued this Tuesday 11<sup>th</sup> of December of 2012, at our offices at the Capitol Building, San Juan, Puerto Rico.*

THOMAS RIVERA SCHATZ  
President- Senate of Puerto Rico

JENNIFFER GONZALEZ-COLON  
Speaker- House of Representatives