

UNIVERZA V LJUBLJANI
FAKULTETA ZA DRUŽBENE VEDE

Tina Rušt

**Puerto Rico's Political Status:
State, Territory, or Colony?**

**Pravni položaj Portorika:
država, ozemlje ali kolonija?**

Magistrsko delo

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Over the past century, political status of Puerto Rico has been a much debated topic, and arguably a poorly understood one at that. In 1898, following the Spanish-American War, Puerto Rico became a possession of the US. In 1900, after almost two years of military rule, Congress established a civil government on the Island and in 1917, Puerto Rican residents were granted US citizenship, but were left without representation in Congress and the right to vote for the US President. In order to comply with demands for international decolonization, the US allowed Puerto Rican government to adopt a constitution and formally name the Island the Commonwealth of Puerto Rico, while, on the other hand, it has still remained an unincorporated territory of the US under plenary authority of Congress. In addition, the US managed to achieve Puerto Rico's removal from the UN list of non-self-governing territories. Puerto Rico, being neither a US state nor an independent country, has been caught in this political limbo ever since. Puerto Rican political parties and their voters have long been split between three alternatives to the current territorial status: a more enhanced version of the current status, becoming a full-fledged state of the American union, and independence. Since 1967, four plebiscites on the status question have been held on the Island, yet none of them resulted in a clear and conclusive majority of votes favoring one status option. In addition, none of them were binding for Congress to take further action on the status issue. Since the US government plays a major role in defining Puerto Rico's status, the question arising is why it still hasn't addressed the issue appropriately?

Keywords: Puerto Rico, political status, plebiscites, decolonization, the US.

Pravni položaj Portorika: država, ozemlje ali kolonija?

Pravni položaj Portorika je pogosta tema razprav zadnjega stoletja, tako na otoku, kot v ZDA. Po koncu Špansko-ameriške vojne leta 1898 je Španija predala ozemlje Portorika v roke Američanom. Po skoraj dveh letih vojaškega režima v Portoriku je leta 1900 kongres ZDA na otoku ustanovil civilno vlado, leta 1917 pa prebivalcem Portorika podelil ameriško državljanstvo, ki pa ni vključevalo pravice do zastopanosti v ameriškem kongresu ter volitev predsednika ZDA, ki je hkrati tudi predsednik Portorika. Da bi ugodile zahtevam po mednarodni dekolonizaciji ozemelj, so ZDA leta 1952 odobrile Portoriški vladi sprejetje lastne ustave in ustanovitev samoupravnega ozemlja Portorika (angleško *Commonwealth*, špansko *Estado Libre Asociado*), leto zatem pa so OZN odstranile Portoriko iz seznama nesamoupravnih ozemelj. A nov politični sistem ni rešil vprašanja pravnega položaja otočja in Portoriko se še danes nahaja v političnem limbu. Politične stranke in državljani Portorika so deljenih mnenj glede najboljše alternative trenutnemu ozemeljskemu položaju. Glavne tri možnosti vključujejo okrepljeno različico sedanjega statusa, priključitev k ZDA kot država članica ter neodvisnost. V zadnjih petdesetih letih so bili na otoku izvedeni štirje plebisciti na temo pravnega položaja, a rezultati nobenega od njih niso izražali jasne podpore eni izmed navedenih možnosti. Poleg tega noben plebiscit ni zavezoval kongresa, da na podlagi rezultatov sprejme nadaljnje ukrepe za dokončno razrešitev omenjenega problema. Ker pa ameriška vlada igra pomembno vlogo pri določanju končnega pravnega položaja Portorika, se nam postavlja vprašanje, zakaj problema še ni ustrezno naslovila.

Ključne besede: Portoriko, pravni položaj, plebisciti, dekolonizacija, ZDA.

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1 INTRODUCTION

The words spoken by American General George Davis (in Malavet 2000, 2) soon after Spain ceded Puerto Rico to the United States (hereafter US) are still imprinted in the memory of many Puerto Ricans: “unlike /.../ many other republics, [Puerto Rico] never has been, is not, and probably never will be free.”

For over a century, Puerto Rico has been struggling with congressional inertia regarding the question of political status of the Island.¹ The current status is a consequence of political control the US has had over this Caribbean archipelago since the beginning of their political relationship in 1898, when, as a result of the Spanish-American War, Spain ceded the territory of Puerto Rico to the US (Shaw 1993). Under the US rule, Puerto Rico has been categorized as unincorporated territory of the US, being neither on the path to join the US as a state nor to transition into independent sovereign country, but rather remaining subject to the plenary powers of the US Congress (Thornburgh 2007, 11). Even after adopting a local constitution and a new commonwealth system of local self-government in 1952, the political and legal system of the Island remained under the sovereignty of the federal law. When adopted, this territorial and arguably still colonial status of Puerto Rico was meant to be temporary, but after 63 years it seems like Puerto Rico is stuck between statehood and independence, unwilling to keep its current status and unable to change it. Some suggest that while most colonies in the world have transitioned to become either independent states or a formal part of their respective motherlands, Puerto Rico continues to carry the burden of modern colonialism on its shoulders (Ayala and Bernabe 2007, 2).

The US granted residents of Puerto Rico American citizenship through federal act in 1917 and while Puerto Ricans enjoy various benefits of dual citizenship, such as free movement between the Island and the mainland and due process of law, they are being denied a significant right to vote for president and members of Congress. Some would argue that lack of representation in Congress and inability to participate in US policy making as well as in legislative processes regarding their own political status, makes 3.5 million Puerto Ricans living on the Island second class citizens (Thornburgh 2007, 5).

¹ Although Puerto Rico consists of three major and a number of smaller islands, it is commonly referred to as “the Island” in connection to the largest island of the same name (Garrett 2013, 1).

Along with Puerto Rico's numerous requests for Congress to address the status issue, the White House has been issuing reports on Puerto Rico's political status every few years, urging members of Congress to attend to the status issue and suggesting a number of recommendations for an efficient resolution of the problem. The efforts to determine Puerto Rico's political status and allow for a self-determination process to begin have so far been fruitless, mostly due to Congress's lack of guidance and cooperation, as well as the disunity among Puerto Ricans. Four plebiscites on the status issue have been held since 1967, the last one in November 2012, yet most of them were deemed biased, inconclusive or in any other way failed.

2 CONCEPTUAL FRAMEWORK

2.1 Relevance and objectives

Ever since commonwealth became Puerto Rico's official political status in 1952, there have been numerous loud and mostly unheard public cries for a reformation of such governmental system, coming mainly from representatives of Puerto Rico's major political parties, as well as the Island's only Resident Commissioner in the US Congress. At this point, one thing is for certain; deciding and agreeing on the option by which to complete Puerto Rico's decolonization could be one of the greatest obstacles both the Island and the mainland had to deal with since the beginning of their political relationship.

Puerto Rico's political status is a mixture of complex issues, rooted in its distinct historical, cultural, economic and political context. Through extensive research and analysis of acquired data we aim to establish an overview of the political situation surrounding Puerto Rico and its relation with the US. Therefore, our objective is to determine constitutionally acceptable options of Puerto Rico's political status, as well as critically evaluate the current status situation and the reasons behind it.

We believe that the present thesis is of international relevance, as well as it is timely. Puerto Rico has been struggling to achieve a constitutionally acceptable political status for over 60 years, while most of the time its requests for a democratic decolonization process have been intentionally overlooked, avoided, or, even worse, rejected. In our thesis, we will thoroughly

examine Puerto Rico's history since the beginning of the US rule to provide the necessary background for understanding its long-lasting status issue. Furthermore, we will look at Island's major political parties, as well as their views and arguments as to why they advocate for a specific status option. Likely the most important and extensive part of our work will be the analysis of four status plebiscites that have taken place in Puerto Rico between 1967 and 2012 and of the status debate that followed. Through examination of plebiscites' background, analysis of their results and review of the following debate, we will be able to answer our research questions and confirm or deny our set hypothesis.

2.2 Research questions and hypothesis

For the purpose of our research, we have set three research questions that will serve as guidelines throughout our work. Firstly, we have decided to focus our research on proposed options for Puerto Rico's political status, so our first research question reads: *How are each of the status options defined and what are their prerequisites and repercussions?*

Secondly, our theoretical background research showed that the resolution and determination of Puerto Rico's political status largely depends on the cooperation of Congress. Since the status question still hasn't been resolved, we will analyze congressional activity on the issue and attempt to answer the next research question: *Why hasn't Congress, who has the ultimate authority over Puerto Rico, addressed the recurring requests to determine the political status?*

Lastly, our research will include analysis of four plebiscites held in Puerto Rico with the intention to determine the will of the people of Puerto Rico on the status issue. The last plebiscite took place in November 2012, yet to this day, the political status remains unchanged. Therefore, our last research question is: *What is the current state of the 'status question' and why hasn't the issue been resolved?*

In addition to the research questions, we have set a hypothesis to test during our empirical research: *The question of Puerto Rico's political status remains unresolved due to Congress's disinclination to change the status when there is a lack of clear preference from the people of Puerto Rico for a specific status option.*

In order to test the hypothesis, we will first need to establish whether Puerto Rico's political status remains in fact unresolved. Further on, we will analyze whether the cause of congressional inactivity lies in Puerto Ricans' inability to ensure a majority vote for one viable status option. Thirdly, we will test the correlation between the status being unresolved and the Congress not taking action. We will do so by analyzing available literature and data gathered from the plebiscites.

2.3 Methodology

A set of complex and culturally sensitive questions surround more than a hundred years long connection between Puerto Rico and the US. How to determine the most acceptable political status for Puerto Rico (and one that will suit all key actors in this political drama) in order to help Puerto Rico take its last step toward decolonization has presented a serious challenge for a lot of renowned politicians and experts alike. While opinions on the matter are greatly divided, we strive to conduct an objective research based on a wide and diverse range of literature and data available to us.

In order to achieve thorough understanding of the research problem, we decided on using mixed methods design of research, combining both qualitative and quantitative methods in order to neutralize the weaknesses and biases of each method. More specifically, we will make use of convergent parallel design of research, "in which the researcher /.../ merges quantitative and qualitative data in order to provide a comprehensive analysis of the research problem." When applying this design to a research, the researcher usually "collects both forms of data at roughly the same time and then integrates the information in the interpretation of the overall results" (Creswell 2013, 15). The prevailing method of our research is descriptive, which, according to Creswell (2003), is used to gather information about the existing condition in order to verify before set hypotheses and research questions that refer to that same condition. During our descriptive research, we will also take advantage of comparative analysis to compare various views by different authors on specific issues. Furthermore, we shall apply data analysis to our research, since it helps us break down examined objects, events, or situations into individual parts to examine further. The more detailed the analysis of individual phenomena is, the easier it is to understand the studied phenomenon as a whole (Leedy and Ormrod 2001). We shall use these methods to analyze primary and secondary data and other sources in order to frame the theoretical basis of our

thesis with the intention of simplifying the analysis of the statistical data in the second part of our work. In addition, case study will be another method used in our work, as it helps us develop a deeper understanding of the selected topic. According to Creswell (2003), the structure of a case study should be the problem, the context, the issues, and the lessons learned. Leedy and Ormrod (2001, 149) claim case studies teach us “more about a little known or poorly understood situation.” In our case, that would be the political status of Puerto Rico.

2.4 Structure

In order to achieve a clear and transparent look of our work, we divided our thesis into four parts. The first part consists of introduction and conceptual framework, where the former introduces the topic of research to the interested reader and the latter elaborates on the research methods used in our work as well as presents set hypothesis and research questions. The second part covers Puerto Rico’s political history since the beginning of the American rule, where we highlight the significant changes to the US-Puerto Rico relationship that occurred in the past century. In addition, we devote a few words to Puerto Rican nationalism, culture and economy, three important factors to consider when analyzing the concept of political status, but not the focus of our thesis. In the third part, we take a closer look at the issue of political status of Puerto Rico, mostly by introducing all arguably viable options/alternatives for the present territory status. Furthermore, we attempt to thoroughly demonstrate the contrasting opinions of Puerto Rican political parties on the issue, as well as the roles played and initiatives taken by the US Presidents since the establishment of the Commonwealth of Puerto Rico. Last but not least, the fourth part of our work encompasses a detailed description and analysis of the four status plebiscites held in Puerto Rico over the past 48 years, followed by an overview of the status debate occurring on the Island and in the US since the last vote was held in 2012. We conclude our thesis by summarizing our work and presenting our findings.

3 HISTORICAL BACKGROUND OF PUERTO RICO-US RELATIONS

The intense relationship between Puerto Rico and the US has had a big impact on the Island's economic development and political history. Instead of developing quality political programs, the main political parties in Puerto Rico focus most of their attention on the Island's political status, thus, argued by some, playing with voters' emotions when it comes election time. In the eyes of international law, Puerto Rico transformed from a US colony to a self-governing territory, called commonwealth. But under constitutional law, it is still unclear whether the US Constitution acknowledges any other form of political status apart from 'state' and 'territory' (López Morales 2014, 157).

3.1 From the Spanish-American War to the Commonwealth of Puerto Rico

Spain's colonial occupation of Puerto Rico came to an abrupt halt on July 25, 1898, when 1,300 US troops disembarked off the coast of Guánica on Puerto Rico's south coast (Leibowitz 1989, 140). As a result of the Spanish-American War – a short-lived conflict both in time and in American memory – Spain ceded Puerto Rico to the US by signing the Treaty of Paris on December 10, 1898, in order to compensate for expenses incurred during the war (Burnett and Marshall 2001, 1; Shaw 1993, 1012). The islands of Puerto Rico thus became a prize of war (Malavet 2000, 23). The treaty determined that from then on, “/t/he civil rights and political status of the native inhabitants /.../ shall be determined by the Congress” (Treaty of Paris, Art IX.).² For the US and Puerto Rico, this was the beginning of what came to be a long-lasting ‘quasi-colonial’ relationship.

A year after the treaty was signed, the US Congress passed the Foraker Act in April 1900, in order to “provide revenues and a civil government for Porto Rico, and for other purposes” (Foraker Act). With this act, the US terminated its military rule in Puerto Rico, temporarily provided revenues, and set up a provisional civil government (Shaw 1993, 1013). Ayala and Bernabe (2007, 28) argue that Congress at that time refused to take into account Puerto Rican requests for annexation as a state of the Union and, through the Foraker Act, created an insular government, leaving not much up to Puerto Rican will. Shaw (1993, 1019–1020) explains that although the act neither incorporated Puerto Rico nor grant its residents

² Treaty of Paris, signed on December 10, 1898, in Paris, came into effect on April 11, 1899.

American citizenship, it did bestow Puerto Ricans entitlement to US protection. The major novelty introduced by the Foraker act was a system of local government that consisted of a governor and an executive council (both appointed by the President of the US), a house of delegates and the judiciary with a Supreme Court. Due to the fact that all legislation had to pass both chambers and the Governor's veto, American interests were protected.

In 1901, the US Supreme Court made a series of landmark decisions for the treatment of US territories, collectively known as the Insular Cases. The court ruled that Article IV, section 3, clause 2 of the US Constitution, commonly referred to as the Territorial Clause, grants the US Congress absolute authority over its newly acquired territories. By doing so, Puerto Rico, along with American Samoa, Guam, the Northern Mariana Islands and the US Virgin Islands, was marked as neither “foreign” nor “part of the US” (Shaw 1993, 1013).

The US Supreme Court Justice White (in Burnett and Marshall 2001, 13) spoke some resounding words in 1901:

The result of what has been said is that while in an international sense Porto Rico was not a foreign country, since it was owned by the United States, it was foreign to the United States in a domestic sense, because the island had not been incorporated into the United States but was merely appurtenant thereto as a possession.

Puerto Rico was being denied a place both within the US and outside of it, thus, ironically, becoming “foreign *relative to* states and incorporated territories and domestic *relative to* foreign countries” (Burnett and Marshall 2001, 13). Due to the vague status of being categorized as an unincorporated territory and thus belonging to, but not being a part of, the US, Puerto Rico was unable to be distinctly recognized as moving toward either independence or statehood and was thus stuck in a political limbo (Thornburgh 2007, 11).

In the following years, the US Congress significantly modified Puerto Rico's internal government through a series of congressional statutes with the intention to gradually increase Puerto Rico's local self-governance (Shaw 1993, 1012). In an attempt to increase Puerto Rico's participation in its own government and to abolish the differences made by the Foraker Act between the US citizens and the citizens of Puerto Rico, the US Congress passed the Jones Act in 1917 (United States-Puerto Rico Commission on the Status of Puerto Rico 1966,

34). The biggest milestone for the US-Puerto Rican relationship thus far had been achieved by granting the residents of Puerto Rico a US citizenship. This measure had previously been opposed by the Puerto Rico's Union Party due to its strong belief that if the Island was not to be granted statehood, the citizenship could be potentially understood as an attempt to hinder independence and maintain Puerto Rico's colonial status (Ayala and Bernabe 2007, 57). Although it seemed like a big step forward for the US-Puerto Rican relationship, the newly granted US citizenship did not include the right to vote in federal elections or run for president, but, nevertheless, has made Puerto Ricans eligible to be conscripted into the US armed forces (Pantojas-García 2013, 43).

Another change the Jones Act brought to Puerto Rico was the authorization of a popularly-elected bicameral legislature. It created an elected Senate of Puerto Rico and allowed for the Resident Commissioner to be elected by Puerto Ricans to a four-year term. However, the Governor, the attorney general, and the justices of the Supreme Court of Puerto Rico continued being appointed by the US President. Furthermore, the Jones Act established a bill of rights that resembled the one in the US Constitution (Shaw 1993, 1020).

In the following decades Puerto Rico was seeking to take more control over its own political affairs, but no major changes happened until 1946. With the creation of the United Nations (hereafter UN) and the inevitable decolonization processes of the old empires after Second World War, the US President Truman appointed the first Puerto Rican Governor (Pantojas-García 2013, 43). In 1947, the US Congress passed the Puerto Rico Elective Governor Act (hereafter PREGA), which enabled Puerto Ricans to elect their own Governor. In addition, the PREGA provided for a federal coordinator, who was in charge to oversee all Puerto Rican government affairs. The US President was given the power to exempt Puerto Rico from any federal law that was not explicitly concerning the Island. However, the PREGA didn't meet all Puerto Rican expectations, since it neither provided people of Puerto Rico a voting representative in the US Congress nor granted them the right to vote in federal elections (Shaw 1993, 1021).

Puerto Rico's political status was significantly modified during the years of 1950 and 1952. The international politics had been calling for decolonization of occupied territories for years and as a show of approval for Puerto Rico's greater local self-government, the US Congress enacted the Puerto Rican Federal Relations Act, known as Public Law 600, on July 3, 1950

(Thornburgh 2007, 16). The idea behind Public Law 600 was to grant Puerto Ricans the power to organize a government under a locally designed constitution and Puerto Rican voters approved Public Law 600 in an island-wide referendum on June 4, 1951 (Shaw 1993, 1021–1022). The preamble to the law stated that it was adopted "in the nature of a compact." Therefore, the US and the UN considered Puerto Rico's acceptance of Public Law 600 by plebiscite as an act of self-determination that gave the relationship between Puerto Rico and the US democratic validity. The US contended that Public Law 600 ended direct US administration of local affairs on the Island and granted Puerto Rico full control over its local political matters (Leibowitz 1981, 233).

Following the referendum on Public Law 600, Constitutional Convention was convened and a constitution was drafted. In addition to the constitution, the Convention approved a number of explanatory resolutions. Resolution 22 defined a new legal name for Puerto Rico, naming it *Estado Libre Asociado* with English equivalent of 'commonwealth' (Malavet 2000, 33). After additional changes to the constitution were made by the US Congress, a referendum was held on March 3, 1952, and eighty-one percent of Puerto Rico's electorate supported the adoption of the new constitution (Pantojas-García 2013, 43). By amending the constitution, the US Congress made clear that Puerto Rico remained subjected to the principles of federal supremacy, meaning local laws are null and void if they are inconsistent with applicable federal law (Thornburgh 2007, 11). Nevertheless, the Governor proclaimed the Constitution of Puerto Rico to be in effect on July 25, 1952, and thus the Commonwealth of Puerto Rico was born (Thornburgh 2007, 17).

3.2 The commonwealth and the ongoing status debate

Following the adoption of the Constitution of Puerto Rico, a special issue of *The Annals of the American Academy of Political and Social Science* was published in January 1953 to mark the beginning of a new era for Puerto Rico. In it, Harvard law professor Rupert Emerson (in Pantojas-García 2013, 44) wrote:

/T/he most distinctive element is that /the people of Puerto Rico/ now have for the first time in their history given themselves a constitution and given their consent to their relationship to the United States. /.../ It is arguable that the status which they now have does not differ greatly in substance from that which they had before; but to press that

argument too far would be to ignore the great symbolic effect of entering into a compact with the United States and governing themselves under an instrument of their own fashioning.

Despite the optimism found in Emerson's words from more than sixty years ago, Garrett (2011, 10) argues that neither the constitution nor the previous public laws approved by Congress in 1950 and 1952 changed the fundamental relationship between Puerto Rico and the US that was based on the Territorial Clause of the US Constitution. Additionally, López Morales (2014, 152) points out that despite the new governmental system was in place, the US citizens of Puerto Rico continued to be excluded from the federal political process, as they were left without representation in Congress and remained unable to vote in presidential elections.

3.2.1 United Nations and decolonization of Puerto Rico

“In modern times, colonialism – the status of a polity with a definable territory that lacks sovereignty because legal/political authority is exercised by a peoples distinguishable from the inhabitants of the colonized region – is the only legal status that the isla (island) has known.”

- Pedro A. Malavet (2000, 2–3)

The establishment of the Commonwealth of Puerto Rico was the official response of the US to the worldwide pressure for decolonization. It was created to be a role model for colonial territories and undeveloped countries in order for the US to show how a country could start to prosper through a close political and economic relationship with its motherland (Berríos Martínez 1977). Based on the fact that the Puerto Rican constitution provided for a commonwealth structure of self-government, the UN General Assembly adopted Resolution 748 (VIII) on November 27, 1953, and removed Puerto Rico from the list of non-self-governing territories (Thornburgh 2007, 17). Like many others politicians and pundits, the executive president of the Puerto Rican Independence Party Fernando Martín is convinced there was no real decolonization, but rather a local self-government in disguise (Christensen 2015). The adoption of Resolution 748 was a huge step back for Puerto Rico and its fight for the right to self-determination. With Puerto Rico disguised as a free associated state, the US was able to block any consideration of the territory by the UN for years (Muñiz 2014).

In December 1960, the UN General Assembly attempted to end the imperial hegemony of the US by passing two major resolutions on decolonization. The first was Resolution 1514, titled Declaration on the Granting of Independence to Colonial Countries and Peoples and stated that “all peoples have the right to self-determination.” The second was Resolution 1541 that determined “a non-self-governing territory can be said to have reached a full measure of self-government” only by becoming an independent sovereign state, joining a free association with an independent state, or integrating with an independent state (Roy 2001, 17–18; Sutton 2008, 2). In addition, the UN established the Special Committee on Decolonization in November 1961 in order to monitor the implementation of Resolution 1514 (Muñiz 2014). After more than 10 years, the Committee finally addressed Puerto Rico’s colonial status and in the course of 40 years, beginning in 1972, adopted 34 resolutions calling for Puerto Rico’s case to be reconsidered (López and Reardon 2007).

Ayala and Bernabe (2007, 30) note that although US imperialists, unlike European, did not plan to build a formal colonial empire on their way to global hegemony, they did create a few colonies, Puerto Rico being one of them, while also being an exception to the rule, as it is neither part of the US nor of its informal colonial empire. The authors also point out that although Puerto Rican life has been greatly affected by US colonialism since 1898, not “all key events or turning points of Puerto Rican history can be attributed to US colonial policies” and while there is no denying that US policies have been colonial, they have also been flexible and tolerable toward Puerto Ricans and their identity and culture (Ayala and Bernabe 2007, 10).

As the years passed by, Puerto Rico became a weak spot for the US, arguably being one of the last forgotten colonies in the world (Berríos Martínez 1977). On the other hand, Malavet (2000, 43) argues Puerto Rico is “in fact a colony that the United States has never forgotten” and claims that Island’s current legal regime is still camouflaging its true colonial status. Sutton (2008, 16) points out that the work of the Special Committee on Decolonization has been effectively hindered for almost fifteen years, due to the US and UK pressures, respectively, to allow for decolonization of their territories to occur in the form of modernization rather than termination of their colonial presence. At the moment, the question of Puerto Rico has been considered for over 40 years. It is the common opinion of many Puerto Rican politicians, experts and members of the Committee on Decolonization that it is

about time for the UN General Assembly to meet its responsibilities and for the US to provide the people of Puerto Rico with means to achieve self-determination.

3.2.2 Brief overview of Puerto Rican nationality, cultural identity and economy

In this chapter we will take a look at three factors that are of significant importance to understanding the long-lasting struggle related to determining Puerto Rico's political status. When trying to understand the complexity of the status issue, we have to keep in mind the great impact that everyday life of people living on the Island as well as those in the diaspora has on political relationship between Puerto Rico and the US.

As a very homogenous nation, Puerto Ricans have much in common, such as history, territory, culture and language. Although cultural and political nationalism usually overlap in practice, Duany and Pantojas-García (2005, 24) intentionally make a distinction between them. Cultural nationalism is based on the claim of the moral autonomy of each people and equates the nation with the culture, whereas political nationalism follows the belief that every people should have its own sovereign government and equates the nation with the state. The authors believe that "cultural nationalism is the dominant ideology of the Commonwealth government, the intellectual elite, and numerous cultural institutions on the Island as well as in the diaspora" (ibid.). Therefore, most Puerto Ricans do not wish to cut political ties with the US, but on the other hand strongly identify themselves with their own culture, which is different from that of Americans (Duany 2002, 5).

There is no denying that despite not being a sovereign nation, Puerto Ricans have developed their own cultural consciousness over the 400 years under the Spanish colonial rule (Malavet 2000, 47). One of the main indicators of one's culture is their language. Between the two official languages of Puerto Rico, Spanish and English, the majority of Puerto Ricans living on the Island speak Spanish. Data gathered by Census Bureau in 2000 (in Council on Hemispheric Affairs 2007) show that 85.6 percent of Puerto Rican residents spoke a language other than English at home and 71.9 percent said they spoke English less than very well. The linguistic difference between Puerto Rico and the US derives from even greater historical and cultural disparities, rooted in the legacy of colonization under British and Spanish rule, respectively (ibid.). Leibowitz (1989, 140) points out the close connection between one's perception of Puerto Rican culture and their view of the appropriate political status for their

Island. Independence advocates believe Puerto Ricans possess all the characteristics of a nation. Their culture is a national culture, therefore needs to exist in a sovereign national entity to reach its full potential. Commonwealth partisans believe in mutual enrichment between different cultures without the fear of losing their identity, while proponents of the statehood option believe that the American federal system is flexible enough to incorporate a state as culturally distinctive as Puerto Rico.

As the Commonwealth of Puerto Rico was getting on its feet, so was its economy. The newly formed relationship with the US had its advantages for the Island in the form of common defense, currency and citizenship, and local and federal tax exemptions, just to name some of them (Duany and Pantojas-García 2005, 31). This economic model delivered high levels of growth in the 1950s and 1960s, but in the 1970s Puerto Rico's economy began experiencing difficulties which later led to very low growth rates. By the 1980s, the model was believed to have exhausted its potential and was in need of a thorough change. The rise of globalization additionally reduced the competitive advantages of Puerto Rico, and by opening its markets to competing countries in Latin America, Puerto Rico's economic problems deepened even further (Pantojas-Garcia in Sutton 2008, 11). Colón Morera (2006, 85) points out that under the commonwealth structure, Puerto Rico is continuously dependent on federal governmental funds and is thus unable to develop a strategy of interdependent self-reliance. In his many speeches in front of both houses of Congress, Pierluisi (2014b) has stressed that in the recent years, Puerto Rico is facing the worst economic and fiscal crisis in the history of the Island. He pointed out that residents of Puerto Rico are leaving the Island in unprecedented numbers, moving to the US in search of the quality of life they believe they deserve as US citizens, while high unemployment rates, low credit ratings, crime and other problems are still very present issues on the Island.

4 OPTIONS FOR POLITICAL STATUS OF PUERTO RICO

In order to comprehend the complexity of the debate surrounding Puerto Rico's status issue, it is important to understand the term 'political status' in relation to Puerto Rico. Bigelow (2007, 4-5) says that, although being merely an abstract legal term, in reality, political status constantly defines the people of Puerto Rico and their respective lives. Repercussions of Puerto Rico's distinct political status are reflected in the language spoken in public, tax

benefits, citizen rights, participation in international competitions, as well as in misrepresentation of its people on the federal level and economic and health care crisis of the Island. Even though the US allowed Puerto Rico to draft its own constitution and become a commonwealth, the status question continues to be the hot topic of Puerto Rican politics and US-Puerto Rico relations (Pantojas-García 2013, 42).

The ideological and political division in connection to the status choices has expressed itself in a form of ‘subcultures’ within Puerto Rican society. United States-Puerto Rico Commission on the Status of Puerto Rico (1966, 17) (hereafter Commission, also Commission on the Status) notes that “each status viewpoint holds an interpretation of history, a way of life, a concept of the Puerto Rican identity, and an aspiration for a Puerto Rican destiny.” Furthermore, in order to achieve clarity of the legal alternatives to the present commonwealth status, Malavet (2000, 97) encourages the debate on Puerto Rico’s political status to be moved from the political to the legal arena. Definitions, or the lack thereof, of the status options make the debate even more complex, thus a generally accepted agreement on standard definitions is essential (Garrett 2011, 26).

In addition, the President’s Task Force on Puerto Rico’s status (hereafter Task Force) encourages all relevant parties – the President, Congress, and the leadership and the people of Puerto Rico – to join forces in order to allow Puerto Ricans a way to express their will about their political status. In its last report from 2011, the Task Force expressed great support for Puerto Ricans to determine their own future status for themselves and recommended that “the President and Congress support any fair, transparent, and swift effort that is consistent with and reflects the will of the people of Puerto Rico.” Further on, it recommended that “the permissible status options include Statehood, Independence, Free Association, and Commonwealth” (The President’s Task Force on Puerto Rico’s Status 2011, 23–24).

During our research, we have found numerous clarifications of the existing, as well as the proposed political status options. In order to help us understand Puerto Rico’s current political situation and the struggle for a more legal and acceptable political status, let us look at definitions and explanations of proposed status options introduced since the beginning of Puerto Rican commonwealth era.

4.1 Commonwealth

“The Commonwealth of Puerto Rico is a political and economic anachronism.”

-Rubén Berríos Martínez (1977)

Former Governor and Resident Commissioner of Puerto Rico Carlos Romero-Barceló (1980) finds the words of the former PIP president Berríos Martínez to be too kind, adding that ““commonwealth” as a political status is not even an anachronism – it is a myth.”

After the constitution of Puerto Rico was adopted, Emerson (1953, 9) noticed the unprecedented nature of the newly adopted status, especially in the US history. Furthermore, in its Foreign Affairs Manual titled Acquisition of U.S. Nationality in U.S. Territories and Possessions, the US State Department notes that the term commonwealth as such does not stand for any specific political status and has previously been used to describe both states and territories. When applied to territories under US sovereignty, the term in general refers to “an area that is self-governing under a constitution of its adoption and whose right of self-government will not be unilaterally withdrawn by Congress” (U.S. Department of State 2013, 3). Additionally, the Commission on the Status acknowledged the uniqueness of the relationship that commonwealth status brought along for the people on the Island and in the US. It was a novelty at the time, created on the basis of two spheres of government (local and federal), and connected by the US constitution and the Public Law 600. Furthermore, the Commission accepted the commonwealth as legal, dignified, and, if the people of Puerto Rico wished so, permanent political status (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 11–13).

As Leibowitz (1989, 43) points out, at the time of its conception, the commonwealth status was deemed similar to that of a state – it provided Puerto Rico with local autonomy and restricted US federal power from applying its laws as it would to a territory. It is crucial to acknowledge that Puerto Rico established commonwealth under very favorable political circumstances that have drastically changed through time. At the time of its enactment, there was a broad political consensus on the Island for such regime, as well as a strong support from the mainland for the innovative aspect of governance it brought along with it (Leibowitz 1989, 127).

When analyzing the phenomenon that is the commonwealth, it is important to address the ambiguity of the term. The Constitution of Puerto Rico introduced a new name for the Island – in Spanish, Puerto Rico was to be known as *Estado Libre Asociado*, while in English it was given a much less autonomous-sounding name of commonwealth (similar to some of the US states such as Pennsylvania and Virginia). As evident, the terms are not similar, let alone grammatically correct translations of each other. Furthermore, the use of the Spanish version of the name did not have the sense or legal effect of the status of free association under international law, whereas the commonwealth was established within the union between Puerto Rico and the US, remaining subject to federal authority. Due to the linguistic and legal differences between the two statuses representing the same system, the people of Puerto Rico expected more out of the new arrangement (Neuman and Brown-Nagin 2015). In Romero-Barceló’s (1980) opinion, the Spanish term is “a deliberately deceptive misnomer if ever there was one, since its sponsors knew full well that Congress retained the constitutional right unilaterally to alter or even terminate the so-called free association at any time.”

Among the proposed status options, the commonwealth is commonly referred to as the status quo option. The Task Force notes that under the commonwealth status as it is today, Puerto Rico is subject to the Territory Clause of the US Constitution, while still in possession of a great amount of local political autonomy. It is the Task Force’s belief that in spite of claims that the commonwealth status is territorial or temporary, it ought to be available for the people of Puerto Rico as their political status option. A considerable percentage of the electorate has showed support for some version of commonwealth in prior plebiscites, thus removing this option in further voting could raise serious concerns about the vote’s legitimacy (The President’s Task Force on Puerto Rico’s Status 2011, 26).

4.2 Enhanced commonwealth

As suggested by its title, enhanced commonwealth would entail strengthening of the existing status in terms of creating “an autonomous political entity that is in permanent union with, but not subordinate to, the US” (Council on Hemispheric Affairs 2007). There has been much debate on its definition, where proponents have claimed that such status would allow Puerto Rico “to operate in a sort of gray area, where it is granted sovereignty but not full independence, has the same rights as a State, but is not a State, and is not subject to the Territorial Clause of the US Constitution” (U.S. House of Representatives Subcommittee on

Indian, Insular and Alaska Native Affairs 2015). On the other hand, the model has received a fair amount of criticism, mostly by being labeled unconstitutional, since the US Constitution at this time does not foresee any option besides full independence, statehood, or a territorial status. Additionally, US Department of Justice reminded Congress that such permanent and equal union between the US and Puerto Rico would present limitations on the federal sovereignty (Council on Hemispheric Affairs 2007).

Changes to the current status to move towards enhanced commonwealth were considered but rejected by Congress in 1991 and 2001. The proposed option included a possibility for Puerto Rico to opt-out of certain federal laws, require consultations between the President and the Governor, making a relationship between Puerto Rico and the US permanent, and enabling Puerto Rico to establish economic relationships with other nations (Garrett 2011, 27). Moreover, in its report from 2009, the House Committee on Natural Resources labeled the enhanced commonwealth alternative a “hybrid status proposal” and pointed out that such status option has been “consistently opposed by federal authorities in the executive and legislative branches /.../ on both constitutional and policy grounds” (U.S. House of Representatives Committee on Natural Resources 2009, 4). Likewise, all three Task Force reports (2005, 2007, and 2011) have dismissed enhanced commonwealth as a viable option for Puerto Rico’s political status for not being constitutional (The President’s Task Force on Puerto Rico’s Status 2011).

4.3 Free association

Free association is a type of independence that would, if chosen by Puerto Ricans, establish a sovereign nation separate from but still legally connected to the US (Garrett 2011, 27). In this case, Puerto Rico and the US would enter in a mutual agreement that would recognize a close relationship between two independent states and would be based on the national sovereignty of each country. Additionally, such agreement could be terminated unilaterally by either of the partners (The President’s Task Force on Puerto Rico’s Status 2011, 25).

As seen in examples of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the US provides security and economic support to its free associated countries, as well as exercises control over their defense and security policy. In addition, citizens of these islands may study and work on the mainland, but are not granted

US citizenship (*ibid.*). Although free association has its precedence in the US, Garrett (2011, 27) argues that since a country has to be a sovereign nation in order to enter a compact of free association, Puerto Rico would previously have to be recognized as a self-governing sovereign state that is not part of the US. Free association would most likely include a transition period in which the US would continue to provide services and assistance to the Island for an agreed amount of time.

4.4 Independence

Independence is a legitimate, dignified, and arguably feasible alternative for Puerto Rico's future political status. Although numerous US Presidents have consistently stated that as soon as the clear will of the people of Puerto Rico to be independent is expressed, the necessary procedures would be initiated (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 16), the Island's path to independence would still be full of political, economic, and other obstacles. As an independent sovereign nation, Puerto Rico would be obliged to develop its own economy, national government, and international connections with other states (Garrett 2011, 27).

In order to comply with the principle of self-determination, a democratic majority of the people of Puerto Rico would need to support independence as their political status for Congress to pass legislation to allow the formation of a fully independent nation of Puerto Rico (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 17). Furthermore, a series of issues, among them being regulations on travel between the Island and the mainland, immigration policies, security arrangements, and economic aid would need to be legally determined. As with free association, a significant transition period would likely be needed (The President's Task Force on Puerto Rico's Status 2011, 25). For Puerto Rico to thrive as an independent state, it would need to establish a new set of relationships with different countries, international agencies and private investors to compensate for the vital one being lost with the US. Consequently, as a sovereign independent state, Puerto Rico could further develop its ties with other Caribbean nations (Garrett 2011, 27). However, Puerto Rican independence could hardly be achieved without ongoing generous amounts of aid from the US, other nations, and international agencies (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 16–17). Monetary transfers from the US federal government represent a major part of Puerto Rican government's revenue and would possibly be

jeopardized by the Island's independence (Council on Hemispheric Affairs 2007). More to the point, many experts point to the importance of maintaining a healthy trade balance between the Island and the US, due to the latter being Puerto Rico's key trading partner.

4.5 Statehood

The granting of US citizenship to the people of Puerto Rico in 1917 made statehood a natural goal for many of them. The Commission on the Status listed the prerequisites for achieving statehood as follows: a stable political and economic community; an ongoing aspiration for statehood, actively expressed over a period of time by a clear majority of people; and willingness of the American people to accept the community as a new State (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 14).

Puerto Rico's admission to the US would result in several significant consequences for both parties. To name a few, firstly, Puerto Ricans would be entitled to full representation in Congress, meaning they would be allocated two Senators as well as representation in the House of Representatives. Secondly, they would be permitted to participate in Presidential elections and thus reducing the democratic deficit they are experiencing under current status. And thirdly, Puerto Rico would be eligible to receive federal economic aid equal to that granted to other US states. On the other hand, Puerto Rican residents would no longer be exempt from paying federal taxes on income that is generated in Puerto Rico (The President's Task Force on Puerto Rico's Status 2011, 24). Moreover, becoming a US state would have considerable effects on the cultural dimension of life both in Puerto Rico and on the mainland. Bringing a homogeneous, distinctive culture and nation into the US would demand cultural and linguistic adjustments on both sides (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 15).

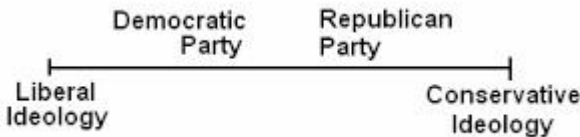
Statehood advocates claim that the full rights and responsibilities of already obtained US citizenship should be granted to residents of Puerto Rico. They highlight political stability as one of the major advantages of the statehood option. On the other hand, opponents argue that statehood would contribute to the loss of Puerto Rican national identity (Garrett 2011, 27).

5 POSITIONS ON THE STATUS ISSUE

5.1 Puerto Rican political parties

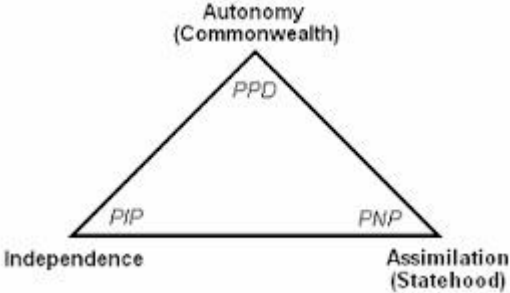
For the last fifty years, three major political parties³ have shared nearly 100 percent of the vote in Puerto Rican national elections (Marcano-Rivera 2014, 2). Interestingly, Puerto Rican political parties are not, unlike the ones in the US, strictly divided on the left–right axis of the political spectrum, nor do they necessarily follow the predominant Democratic and Republican party labels found on the mainland (see Figure 5.1) (Garrett 2013, 2).⁴ Rather, their policy posturing is tied with their preferences for Puerto Rico’s political status: the Popular Democratic Party (*Partido Popular Democrático* – PPD) traditionally advocates for the status quo, i.e. the commonwealth, although has been experiencing divisions within the party; the New Progressive Party (*Partido Nuevo Progresista* – PNP) supports statehood; and the Puerto Rican Independence Party (*Partido Independentista Puertorriqueño* – PIP) campaigns for full political independence of Puerto Rico (Marcano-Rivera 2014). All three parties receive public funding for their political campaigns and have a strong presence on the Island. According to Bigelow (2007, 6), the three parties constitute a non-linear triangle model of political ideology (see Figure 5.2), rather than a linear independence-statehood continuum, with commonwealth somewhere in between, as some may suggest.

Figure 5.1: US Party/Ideology Spectrum



Source: Bigelow (2007, 6).

Figure 5.2: Puerto Rican Ideology/Party Triangle



Source: ibid.

³ When we say major parties, we have in mind the parties that play an important role in Puerto Rico’s political sphere, although they might not have the majority of the popular votes. In addition to those three parties, Puerto Rico has registered three minor parties that do not play a significant role in political status debate.

⁴ Nevertheless, fragments of both political divisions can be found within all three parties, as individual party members affiliate themselves with parties at the federal level (Gallardo Rivera 2014).

It is noteworthy that political views within the three major parties tend to be conflicting. The differences of opinions result in creation of active cliques or officially recognized minor parties on regular basis. Nonetheless, the PPD, PNP, and PIP continue to rule the Puerto Rican political sphere (Garrett 2013, 3). Now, let us take a closer look at the parties and their affiliation with the status options.

5.1.1 Popular Democratic Party (PPD)

The PPD was founded under the leadership of ‘the architect of the commonwealth’ Luis Muñoz Marín in 1938 and has been one of the major political parties on the Island ever since. Its symbol is a Puerto Rican peasant wearing a straw hat, representing its moto “*pan, tierra, libertad,*” translating to “bread, land, freedom” (Partido Popular Democrático). The PPD has been the governing party since the general elections in November 2012, with its president Alejandro García Padilla sitting as the Governor of Puerto Rico (Marcano-Rivera 2014).

The PPD is a strong advocate for commonwealth being the best status option for the people of Puerto Rico, as it represents their aspirations and offers them the best opportunities for progress when compared to other status alternatives. The party believes in the autonomous political body of commonwealth as established in 1952 and claims it represents a "union" or "permanent agreement" between Puerto Rico and the US that cannot be changed or ended unilaterally by either side (Regis Jr. 1998a). There have been some divisions noticed within the party, but, nevertheless, most of PPD members claim to support commonwealth’s progress toward the highest of autonomy possible without hindering its relationship with the US and jeopardizing American citizenship of Puerto Ricans. In general, the PPD opposes any adjustments of status that would threaten Puerto Rican nationality or harm its linguistic or cultural identity (Delgado 2012).

5.1.2 New Progressive Party (PNP)

The PNP is the second major party in Puerto Rico and a strong advocate for annexation of Puerto Rico to the US as a state. Its logo is a white palm tree on blue background, making the party widely associated with the color blue, while its moto reads “*estadidad, seguridad, progreso, igualdad,*” meaning “statehood, security, progress, equality.” The president of the

PNP, Pedro Pierluisi, is also the current Resident Commissioner of Puerto Rico in the US House of Representatives (Partido Nuevo Progresista).

The PNP believes in full integration into the US as the 51st state of the Union. Contrary to the claims of the PPD, the territorial status of Puerto Rico and the US citizenship granted to Puerto Ricans are, according to the PNP, not permanent in their nature and are thus always in danger of being eliminated by any other new law passed by the US Congress. The Statehood party, as the PNP is commonly called, also claims that Puerto Rico cannot achieve its full economic potential as a territory or commonwealth. More to the point, statehood would provide a safe and stable environment for the Island to grow, politically and economically, what would also result in higher incomes and improved standard of living of its residents (Regis Jr. 1998c).

5.1.3 Puerto Rican Independence Party (PIP)

The PIP was founded in 1946 after separating itself from the Puerto Rican Independence Movement and has been the most important minority party ever since, currently holding about 2.5 % of the popular vote (Partido Independentista Puertorriqueño). It is one of the most straightforward parties and strongly advocates for Puerto Rico's full independence from the US in order to form a new sovereign country. It is recognized by its green flag with white cross, representing the hope of becoming free, as well as its commitment to protect the environment, therefore also called the green party (Regis Jr. 1998b). While it would support every status alternative that moves Puerto Rico towards independence, the PIP's worst alternative is statehood, since it prevents any future possibilities of independence (Marcano-Rivera 2014).

The PIP believes that, in case of independence, Puerto Rico could successfully focus its economy on tourism, manufacturing, agriculture and a new foreign trade free from US tariffs, yet remaining a close partnership with its largest trading partner – the US. Regarding citizenship, the PIP has suggested the possibility of negotiating dual citizenship in order to allow Puerto Ricans, who would already be entitled to US citizenship, the option of keeping it (Regis Jr. 1998b).

5.2 US Presidents

Following the adoption of the commonwealth system in Puerto Rico, the first act of support for modification of the Island's political status came from the Kennedy administration and was linked to the Alliance for Progress, a program aimed to establish economic cooperation between the US and Latin America. The Governor of Puerto Rico in office during Kennedy's presidency, Luis Muñoz Marín, was Kennedy's close advisor and a key figure for introducing this new policy to Latin America (Pantojas-García 2013, 44). In order to show his gratitude, President Kennedy sent a letter to the Governor on the tenth anniversary of the Commonwealth of Puerto Rico, saying he is “/.../ aware /.../ that the Commonwealth relationship is not perfected and that it has not yet realized its full potential,” and added he sees “/.../ no reason why the Commonwealth concept, if that is the desire of the people of Puerto Rico, should not be fully developed as a permanent institution in its association with the United States” (Kennedy 1962).

Despite Kennedy's show of approval, President Nixon was the first president to really address the political status debate between the Island and the US. Nixon and his administration created the first Ad Hoc Advisory Group on Puerto Rico in 1970 in order to consider the feasibility of granting Puerto Rican US citizens the vote in presidential elections (Gerald R. Ford Presidential Library and Museum 2015). The Ad Hoc Group decided in favor of Puerto Rican aspirations, but the Congress turned the recommendation down (The President's Task Force on Puerto Rico's Status 2011, 20). In September 1973, President Nixon appointed the second Ad Hoc Advisory Group to review federal laws and regulations applying to Puerto Rico in order to potentially enhance its commonwealth status. The legislation drafted by the second advisory group provided Puerto Rico with greater autonomy than it had been granted before, but the bipartisan opposition of the committee prevented it to reach Congress (ibid.).

When Gerald Ford became President in 1974, he was faced with problems of the second Ad Hoc Group left by his presidential predecessor. Ford tried to change the way policy had been decided in previous administrations by creating “some institutional permanency” in the White House, but did not have much success (Fernandez 1996, 232). On October 1, 1975, the Ad Hoc Group submitted its final report in both English and Spanish language, titled Compact of Permanent Union between Puerto Rico and the United States: Report of the Ad Hoc Advisory Group on Puerto Rico, and on December 31, 1976, President Ford rejected the Ad Hoc

Group's recommendations to allow for a more open and permanent relationship between Puerto Rico and the US, stating that, in his opinion, statehood would make a more appropriate status for Puerto Rico. Accordingly, he urged Congress to enact legislation toward that end, but Congress did not comply (Gerald R. Ford Presidential Library and Museum 2015).

On the other hand, in 1978, the Carter administration developed an "alternative futures" policy, expressing the executive branch's support for all possible Island statuses without advocating for a specific one itself. However, once again, Congress did not pass legislation offering those alternatives to the people of Puerto Rico (The President's Task Force on Puerto Rico's Status 2011, 20).

The next step toward resolving Puerto Rico's status question was made by President George H. W. Bush during his first State of the Union Address in February 1989. President Bush expressed his support for solving the status question, saying he has "long believed that the people of Puerto Rico should have the right to determine their own political future." He, personally, favored statehood for the Island, but nevertheless urged Congress to enact legislation allowing Puerto Ricans to choose their preferred status in a referendum (Bush 1989). Three years later, President Bush Sr. issued a Memorandum on the Commonwealth of Puerto Rico to the heads of executive departments and agencies, establishing the current administrative relationship between the federal government and the Commonwealth of Puerto Rico. Memorandum stated that "as long as Puerto Rico is a territory, /.../ the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum." Additionally, the memorandum urged "all Federal departments, agencies, and officials /.../ henceforward to treat Puerto Rico administratively as if it were a State." These provisions would remain in effect until Congress enacted legislation to change the political status of Puerto Rico in accordance with freely expressed wishes of its people (The American Presidency Project 2015).

Following the 1993 plebiscite in Puerto Rico, newly elected President Clinton created an Interagency Working Group on Puerto Rico, whose main purpose was to study the 1993 plebiscite proposals and results (Shaw 1993, 1024). Although the Clinton administration was aware that the PPD, a slight winner of the plebiscite, sought to enhance the commonwealth relationship between Puerto Rico and the US, the President had not commented on the possibility of enhancement at the time (Shaw 1993, 1055). To further enhance the tasks and

responsibilities of the Working Group, President Clinton issued an Executive Order 13183 in December 2000, establishing the President's Task Force on Puerto Rico's Status. Its primary mission was to identify the options for Puerto Rico's political status and examine proposals for a viable process by which Puerto Ricans could choose a status option (The President's Task Force on Puerto Rico's Status 2011, 15).

When coming to power, President George W. Bush amended Clinton's executive order on two occasions; first, on April 30, 2001, extending the deadline for the Task Force to forward its first report to the President for additional 3 months; and second, on December 3, 2003, modifying the Task Force's membership and instructing it to issue reports as needed, but no less than once every two years (The President's Task Force on Puerto Rico's Status 2005, 2). However, President Bush maintained Clinton's focus on the issue of Puerto Rico's status. The Task Force reports under his administration (2005 and 2007) focused on analyzing the constitutionality of the status options and finding the best viable process to determine the views of the people of Puerto Rico on their political status (The President's Task Force on Puerto Rico's Status 2011, 21).

5.2.1 Report by the President's Task Force on Puerto Rico's Status (2005)

The statement of guiding principles of the first Task Force Report reads: "The mission of the President's Task Force on Puerto Rico's Status is to provide options for Puerto Rico's future status and relationship with the Government of the United States of America. It has approached this mission without prejudice towards a status option and has developed options that are compatible with the Constitution and basic laws and policies of the United States" (The President's Task Force on Puerto Rico's Status 2005, 1). It is important to note, however, that the Task Force recommendations do not necessarily represent the public policy of the current, previous, or any future presidential administrations. Current Task Force's co-chair Kevin Marshall pointed out that, at least at the beginning, the Bush administration had not taken any public position on the first report, "but the executive orders creating the task force didn't contemplate that the president would publicly approve or disapprove of the report" (Marshall in Garrett 2011, 17).

The report, issued in December 2005, stated the Task Force recognizes Puerto Rico's current political status as territorial and under complete authority of the US Congress. The report

indicated that only two non-territorial options recognized by the US Constitution could make for a permanent status between Puerto Rico and the US – statehood and independence. Furthermore, Task Force labeled the so-called ‘new commonwealth’ status, under which Puerto Rico “would become an autonomous, non-territorial, non-State entity in permanent union with the United States” that could not be changed unilaterally, unconstitutional (The President’s Task Force on Puerto Rico’s Status 2005, 6).

When addressing the process for determining the Island’s ultimate status, Task Force proposed that the people of Puerto Rico should be able to express their will whether they wish to continue with current territorial status or would they rather establish a permanent non-territorial status with regard to the US. Accordingly, the report covered Task Force’s recommendations in three points. Firstly, Congress should provide for a federally-sponsored plebiscite within a year of this report, allowing Puerto Ricans to choose between remaining a US territory and following a path toward lasting non-territorial status. Secondly, if Puerto Ricans choose to change their territorial status, Congress is urged to allow for another plebiscite in order to determine which of the two constitutionally viable options they would prefer. Once the option is selected, Congress should start the transition process. And lastly, in case the people of Puerto Rico decide to hold on to their territorial status, Congress should provide for plebiscites on the Island to occur periodically in order to keep informed of the people’s wishes (The President’s Task Force on Puerto Rico’s Status 2005, 10).

5.2.2 Report by the President’s Task Force on Puerto Rico’s Status (2007)

On December 21, 2007, the Task Force issued a second report that was built on the basis of the prior one, continuing to carry out the Task Force’s mission to report on the progress being made on Puerto Rico’s political status (The President’s Task Force on Puerto Rico’s Status. 2007, 1).

As the one in 2005, the second report listed three constitutionally viable options for Puerto Rico’s future status – current territorial status, statehood and independence, while both reports marked the so-called ‘enhanced commonwealth’ option unconstitutional. The 2007 report noted that although “commonwealth is used to describe the substantial political autonomy enjoyed by Puerto Rico,” it does not describe a legal status that would differ from Puerto Rico’s constitutional status of a territory that is subjected to Congress’s authority under the

Territory Clause. In addition to reiterating all three Task Force's recommendations from the 2005 report, the second report included a brief overview of the recent developments following the issuance of the first report (The President's Task Force on Puerto Rico's Status. 2007, 5–10).

5.2.3 Report by the President's Task Force on Puerto Rico's Status (2011)

On October 30, 2009, President Obama issued Executive Order 13517 that further amended Clinton's order from 2000, in order to expand the Task Force's mission beyond the original sole focus on Puerto Rico's political status and to implement his administration's policy to promote economic development, job creation, health care and other issues on the Island. To operate consistently with the President's commitment for an open and transparent government, the Task Force organized two public hearings to obtain first-hand information on the political status issues and economic situation in Puerto Rico. The first public forum was held in San Juan on March 3, 2010, and featured important Puerto Rican leaders and academics, as well as members of the public. The second forum was hosted at the White House two months later and, in addition to the issue of political status, addressed Puerto Rico's economic development, job creation and security (The President's Task Force on Puerto Rico's Status 2011, 16).

Unlike previous Task Force reports that were short in length and arguably lacking information, the 2011 report presented seven recommendations for resolving Puerto Rico's status issue in a meaningful way and in a timely manner. In addition to those, it made recommendations on economic development, competitive industries and Vieques military issue. The recommendations on status issue are listed below.

- (1) All relevant parties should work together to allow people of Puerto Rico to express their will about Island's status and for it to be considered by the end of 2012 or soon thereafter.
- (2) The permissible status options should include the current territorial status, statehood, independence, and free association.
- (3) When determining the will of Puerto Ricans, Task Force recommends "a system involving two plebiscites."
- (4) If a plebiscite should occur, only people residing in Puerto Rico should be eligible to vote.
- (5) In case Puerto Rico chooses independence, Puerto Ricans who are US citizens at the time of transition should maintain their double citizenship.

(6) In case of statehood, English would play a central role in the daily life on the Island.

(7) If a clear option is not chosen by the Island in the short term, the President and Congress should enact self-executing legislation to specify acceptable status options and means by which those options could be achieved (The President's Task Force on Puerto Rico's Status 2011, 23–30).

In June 2011, President Obama traveled to Puerto Rico for the first official visit by a sitting US President since President Kennedy visited in 1961. In his speech, Obama emphasized the work and progress his Task Force team has made in regard to the question of Puerto Rico's political status. He stated that Task Force's 2011 report "provided a meaningful way forward" for Puerto Ricans to determine their own future, and, in addition, ensured that when they make a clear decision, his administration will stand by them (The White House 2011b).

6 PLEBISCITES ON PUERTO RICO'S POLITICAL STATUS

Despite the fact that the US allowed Puerto Rico to adopt its own constitution and the name of commonwealth in 1952, the issue of establishing the ultimate political status for the Island has not stopped being the subject of political, popular and international debate. As already pointed out in the previous chapter, the disunity and disagreement among Puerto Ricans on the ultimate political status for the Island is projected into Puerto Rican political sphere and manifested in the form of three major political parties, each advocating for a distinct political status. During the years of 1967 and 2012, four plebiscites on the status issue have taken place in Puerto Rico, but none of them resulted in one option receiving a clear majority of votes. In addition, none of them was legally binding for Congress to take further action in regard to the results.

In this chapter we will take a look at said plebiscites, examine their background and consequences, and analyze their results in order to get a more comprehensive image of Puerto Rico's political status today. Furthermore, this chapter shall elaborate on congressional activity during the past five decades as well, since it has been greatly intertwined with Puerto Rico's struggle to determine its political status.

6.1 The 1967 plebiscite

In the years coming up to the adoption of the constitution of Puerto Rico, there had been a visible sustained growth and development present on the Island. The postwar era, beginning in the 1940s, established a completely new setting for the status question, as Puerto Rico became one of the most rapidly growing communities in the world, with economic development, participation of the people in political sphere, and health, education and welfare progress reaching a new high. With the establishment of the Commonwealth of Puerto Rico, a new form of federal relationship was created and while some argue that it was never meant to be permanent, others claim that at the time it was clearly understood that the commonwealth status was not of transitioning nature, but rather a status valid in itself (United States-Puerto Rico Commission on the Status of Puerto Rico 1966, 9–12).

Although working successfully since the beginning, the commonwealth formula had its political and economic limitations that affected its performance and gave rise to doubts about its durability. When taking this into account, in addition to the admission of Alaska and Hawaii to statehood in 1958 and 1959, respectively, the before subdued status debate in Puerto Rico increased noticeably in the 1960s (Hunter 1966, 126). We should point out that since the beginning of public movement for clarification of the meaning of commonwealth the US Congress has denied most of requests to change Puerto Rico's current political status (Shaw 1993, 1053). However, the primary exception occurred on April 30, 1963, when Puerto Rican legislature introduced the bill H.R. 5945 in the House of Representatives, calling for the creation of a United States-Puerto Rico Commission, which would consider the political status of Puerto Rico and propose possible options for establishing a permanent compact between the mainland and the Island. In the House, significant changes were made to the bill, amending the purpose of the proposed Commission and limiting its rights to solely issuing a report on the current status of Puerto Rico. Such version of the bill easily passed both houses of Congress and was enacted in February 1964 (Hunter 1966, 131–132). On the initiative of the newly established Commission on the Status, the commonwealth government held the first island-wide plebiscite on status options in July 1967. Voters were given the opportunity to vote for one of the three status options listed on the ballot: commonwealth, statehood or independence (Bigelow 2007, 19).

The plebiscite yielded an overwhelming vote for the commonwealth status (60.4 %) as compared to statehood option (39.0 %) (see Table 6.1), but was due to an organized effort by independence and statehood advocates to boycott the plebiscite almost universally deemed invalid (Bigelow 2007, 19). Additionally, according to Garcia-Passalacqua (in Bigelow 2007, 19), the 1967 plebiscite had been greatly influenced by “blatant interference by United States intelligence agencies.” The commonwealth option on the ballot arguably represented an expanded form of self-government for Puerto Rico (Garrett 2011, 33), but despite a majority vote for such status, the US Congress ignored Puerto Rican call for change (Shaw 1993, 1054).

Table 6.1: Results of the 1967 plebiscite

Choice	Votes	%
Commonwealth	425,132	60.4
Statehood	274,312	39.0
Independence	4,248	0.6
Invalid/blank votes	3,601	N/A
Total	707,293	100
Turnout		66.4

Source: Puerto Rico Electoral Commission.

Some of the experts analyzing the plebiscite agreed that, in fact, supporters of each status option had won in their own way – “the *independentistas* because their boycott had been so effective; commonwealth because of their clear majority; and statehood because of their gains,” (Johnson in Garrett 2011, 13) since the plebiscite also resulted in the creation of a new political party, the PNP, as a result of a group of eligible ‘statehooders’ leaving the Republican Statehood Party (Partido Nuevo Progresista).

Following the plebiscite, the governing era of PPD had temporarily ended with general elections in 1968 and was restored in 1972, at the same time changing Puerto Rico into a multi-party democracy. The status question resurfaced, reaffirming the before often overlooked state of mind on the Island – not all Puerto Ricans were satisfied with the current political status. After nearly twenty years in power, commonwealth lost its appeal and for the

first time in the minds of average Puerto Ricans, statehood became a feasible status option (Bigelow 2007, 20).

6.2 The 1993 plebiscite

After no changes to the status were achieved through 1967 plebiscite, Puerto Rico continued with its political endeavors by submitting new legislation to Congress in order for it to authorize another, this time binding, plebiscite. Although no legislation had been approved, it was evident that similar attempts would be made on a regular basis until all obstacles were removed. Puerto Ricans demanded a new plebiscite, either one authorized by Congress or one separately formulated by Puerto Rican government (Roman 1995, 99). Leibowitz (1989, 43) gets rather harsh when it comes to Congress's attitude toward solving the Puerto Rican political status. He argues that “/o/ne cannot speak of self-determination and local autonomy as Federal policy goals and in 36 years do nothing in relation to the Commonwealth of Puerto Rico except resist it.” In a 10-year period between 1989 and 1998, 19 bills were introduced in Congress, four of them were sent out of committee and two of them gained the approval of the House of Representatives. However, no political status bills were approved by the full Senate (Garrett 2011, 34).

For the 1992 general elections, the PNP's president Pedro Roselló ran on a platform of holding a new plebiscite the following year with or without Congressional approval. After the PNP won the elections, the newly elected Governor declared his intention to keep his word and take the result of the 1993 referendum "to the United States Congress for approval" (Roman 1995, 101). As it was well-funded and had just won the general elections, the PNP thought it had a major advantage and was feeling optimistic about its chances in the plebiscite it instigated. The campaign in favor of statehood began on July 4, 1993, with a series of television advertisements, public appearances, and rallies. Soon after, the PPD started raising funds for the pro-commonwealth campaign by holding a televised fundraising called 'telethon.' Both parties promoted their choice for status with big slogans; the PPD went with “Commonwealth: the best of both worlds,” and the PNP struck back with “Statehood, the only guaranteed permanent union” (Bigelow 2007, 22–24).

On November 14, 1993, nearly 1.8 million Puerto Ricans casted their votes in an island-wide plebiscite on the status issue. The results showed 48.6 percent of the voters favored

commonwealth, 46.3 percent supported statehood, and 4.4 percent chose independence (Bigelow 2007, 25). Shaw (1993, 1055) points out that both the commonwealth and the statehood option, which had been chosen by a great majority of Puerto Ricans, called for change to the current status and should have thus be taken into consideration by the US Congress. Since the commonwealth won a slight plurality of votes rather than a majority, the true will of people could not be determined and the plebiscite was deemed inconclusive.

Table 6.2: Results of the 1993 plebiscite

Choice	Votes	%
Commonwealth	826,326	48.6
Statehood	788,296	46.3
Independence	75,620	4.4
Invalid/blank votes	10,748	0.7
Total	1,700,990	100
Turnout		73.5

Source: Puerto Rico Electoral Commission.

According to many politicians, experts and people of Puerto Rico, the 1993 plebiscite was poorly executed, with the main flaw being the consistency and interpretation of available status options. Shaw (1993, 1058) is suggesting that the ballots “only consisted of representative geometric symbols” and that the poll failed to provide the voters with full knowledge of the options for a change in status. Garrett (2011, 14) notes that Puerto Rico’s political parties had drafted the definitions for each status alternative themselves and had not ensured that they are in accordance with the US Constitution. As written in the United States-Puerto Rico Political Status Act report, “the definition of commonwealth failed to present the voters with status options consistent with full self-government, and it was misleading to propose to the voters an option which was unconstitutional and unacceptable to the Congress in almost every respect” (U.S. House of Representatives 1996).

Statehood has been said to be the biggest loser of 1993 plebiscite, since gaining the majority over commonwealth option would have been a major campaign promise for the Governor and

his party. On the other hand, PPD had no reason to celebrate as well, since the US Congress rejected the commonwealth option as presented on the ballots (Garrett 2011, 14). All in all, Farrow (in Gisselquist 2000, 16) suggests that the 1993 plebiscite was flawed for two reasons: because it was ‘won’ by the appealing, but not realistic ‘the best of both worlds’ option, and because it was ‘won’ by an option without a majority of the electorate’s support.

6.3 The 1998 plebiscite

During the five years after the unsuccessful 1993 plebiscite, Puerto Rico's Legislative Assembly formally petitioned Congress multiple times, urging it to sponsor a new referendum on the status question, this time one based on status definitions that are compatible with the US Constitution and federal laws (Young and Miller 1999, 5). Only one bill made its way to both houses of Congress – the United States-Puerto Rico Political Status Act (H.R. 856), introduced on February 27, 1997, and accepted in the House, but no action followed in the Senate (Garrett 2011, 51).

In 1996 general elections, Governor Roselló was reelected by an even larger margin than in 1992 and the statehood supporters got their hopes up again. Soon after he started his new term, Roselló announced plans for a new plebiscite on status to be held in 1998 (Bigelow 2007, 25). Since the Congress failed to approve a final legislation to allow Puerto Rico a federally recognized self-determination process, the Puerto Rican legislation decided to convene a plebiscite under local election law (Young and Miller 1999, 5) and with the PNP in power, it seemed as if the statehood would have an easy win.

The third plebiscite on the political status of Puerto Rico was held on December 13, 1998. The ballot listed four status alternatives: territorial commonwealth, free association, statehood, and independence, and an additional choice of ‘none of the above’ (Álvarez-Rivera 2015). According to Farrow (in Gisselquist 2000, 16), the latter option made a real mess out of Island’s third plebiscite on the status issue as it gave the voters an easy way out of making a decision and, more to the point, made them think that there was another viable option that had not been listed on the ballots. Furthermore, the definition of each of the status options presented the electorate with a dilemma. In its campaign, the PPD reportedly urged the voters to choose ‘none of the above’ option, since the commonwealth alternative as presented on the ballot “failed to recognize both the constitutional protections afforded to /Puerto Rican/ US

citizenship and the fact that the relationship is based upon the mutual consent of Puerto Rico and the United States” (Garrett 2011, 15). The PPD favored an option of ‘new commonwealth,’ a non-colonial, non-territorial association with the US (Bigelow 2007, 26), in order for Puerto Rico to gain more power in relation to the US and since such option was not on the ballot, “the party encouraged people to vote for the “not making a choice” option” (Farrow in Gisselquist 2000, 16).

As a consequence of a failed and unacceptable definition of the commonwealth status on the ballot, the option received less than one-tenth of 1 percent of the vote (0.1 %). Among the status alternatives, statehood received the most votes, but still less than a majority (46.5 %), and ‘none of the above’ was favored by a slim majority of voters (50.3 %) (Thornburgh 2007, 20).

Table 6.3: Results of the 1998 plebiscite

Choice	Votes	%
None of the above	787,900	50.3
Statehood	728,157	46.5
Independence	39,838	2.5
Free association	4,536	0.3
Territorial commonwealth	993	0.1
Invalid/blank votes	4,846	0.3
Total	1,566,270	100
Turnout		71.3

Source: Puerto Rico Electoral Commission.

According to the plebiscite’s results, the PPD’s campaign for rejection of the commonwealth option as written on the ballots had been effective. On the other hand, the second-best position of the statehood option did not stop the PNP from turning the results in its favor and calling on Congress to legalize statehood for the Island based on the argument that the winning option was not a viable one, thus making statehood, with 94.1 % of the 773,524 votes cast for the four actual status options on the ballot, the winning option (Álvarez-Rivera 2015).

Garrett (2011, 26) points out that the 1998 plebiscite's results serve as a great indication that with lack of constitutionally valid status options and definitions acceptable to Congress, the debate over status is irrelevant and, as a matter of fact, pointless. By failing to sponsor a plebiscite based on legally valid options, Congress had closed the door on people of Puerto Rico who tried to find a legally acceptable path toward democratic self-determination (Thornburgh 2007, 20). All in all, the 1998 plebiscite was deemed inconclusive as it did not result in a viable status option being chosen and the will of Puerto Ricans regarding their political status could not be determined.

6.4 The 2012 plebiscite

Following the unsuccessful plebiscite in 1998, the debate among Puerto Rican politicians centered on finding an alternative mechanism for solving the status question. The PPD, with its then president and Governor of Puerto Rico Aníbal Salvador Acevedo Vilá at the forefront, proposed the establishment of a constituent assembly, consisting of members who would be in charge of developing the status options to be offered to the people of Puerto Rico and to Congress. Another option, reportedly supported by then Resident Commissioner Luis Fortuño, called for a referendum to be held in 2005 in order to ask the voters if they approve the convening of a status referendum. If so, the process of establishing federally defined status options would begin and a plebiscite on those options would be held in 2007. A third proposal came from the PIP, giving Congress a deadline to determine the procedural mechanism to be used to solve the status question, otherwise Puerto Rican legislature would have been allowed to act on its own (Garrett 2011, 24–25).

On May 19, 2009, a bill to provide for a federally-sponsored two-step plebiscite on status question in Puerto Rico called the Puerto Rico Democracy Act (H.R. 2499) was introduced in the House of Representatives. Almost a year later, the bill was approved by the House and sent to Senate, where the Committee on Energy and Natural Resources held a hearing on it, but after that no further action took place (U.S. House of Representatives 2009). At this point it is important to note that although a change to Puerto Rico's political status would have to be pre-approved by Congress, the Island does not require Congress's prior approval to hold a plebiscite (Pierluisi 2012). Therefore, after Congress failed to enact H.R. 2499 in order to authorize a status plebiscite on the Island, Puerto Rico had to again act on its own, which led

to the Legislative Assembly of Puerto Rico authorizing the next plebiscite to take place in November 2012 (Garrett 2013, 5–6).

As results of the previous plebiscites show, Puerto Rican voters have been continuously divided on the status issue. There has been much debate on the constitutionality of the proposed options, voter turnout, and congressional approval, or rather the lack thereof, of the alternatives chosen by the people. In his “Open for Questions” roundtable in September 2011, President Obama stated that in his opinion “the status of Puerto Rico should be decided by the residents of Puerto Rico.” In addition, he pointed to the dilemma Congress might be facing following the 2012 plebiscite:

.../ the issue for us is if the plebiscite .../ indicates that there is a strong preference from a majority of the Puerto Rican people, I think that will influence how Congress approaches any actions that might be taken to address status issues. If it is split down the middle, 50-50, or 51-49, then I think Congress’s inclination is going to be not to change but to maintain the status quo until there is a greater indication that there is support for change (The White House 2011a).

The fourth plebiscite on status question in Puerto Rico, and the last one thus far, was held on November 6, 2012, the same day as Puerto Rican general elections.⁵ The ballot presented voters with two questions; first, whether they agree that Puerto Rico should continue to have its present form of territorial status; and second, regardless of the first question, which of the following non-territorial options would they prefer, listing statehood, independence, and sovereign free associated state (Puerto Rico Electoral Commission 2012).⁶

The voters of the 2012 plebiscite have by then already been familiar with the statehood and independence alternatives (although the ballot provided descriptions of each option), but the sovereign free associated state option was “not a term of art historically associated with the status issue” (Garrett 2013, 8). New to the game, a non-partisan citizens’ organization known as the Alliance for Sovereign Free Association registered with the Puerto Rico Elections Commission in 2012 in order to represent the option of free association in the upcoming plebiscite. The Alliance stands for decolonization of Puerto Rico by adopting a treaty of free

⁵ For a thorough division of political power in Puerto Rico following the 2012 elections, see Appendix A.

⁶ See Appendix B.

association between the Island and the US that could be unilaterally terminated by either party (U.S. Senate 2013, 55).

The Puerto Rico Elections Commission announced final voting results on the last day of 2012. Regarding the first question, a slim majority of voters (53.97 %) voiced their disagreement with Puerto Rico’s current territorial status (see Table 6.4). The second question resulted in 61.16 % of the voters choosing statehood, 33.34 % supporting sovereign free associated state, and 5.49 % deciding for independence (see Table 6.5).

Table 6.4: Results of the 2012 plebiscite – first question

Present Form of Territorial Status			
Choice	Votes	%	
		Valid	Total
Yes	828,077	46.0	44.1
No	970,910	54.0	51.7
Valid	1,798,987	100.0	95.7
Blank	67,267		3.6
Void	12,948		0.7
Total	1,879,202		100.0

Source: Puerto Rico Electoral Commission.

Table 6.4: Results of the 2012 plebiscite – second question

Non-Territorial Options			
Choice	Votes	%	
		Valid	Total
Statehood	834,191	61.2	44.4
Sovereign Free Associated State	454,768	33.3	24.2
Independence	74,895	5.5	4.0

Valid	1,363,854	100	72.6
Blank	498,604	26.5	
Void	16,744	0.9	
Total	1,879,202	100	

Source: Puerto Rico Electoral Commission.

Pantojas-García (2013, 47) points out two clear messages sent by the 2012 plebiscite; firstly, a majority of Puerto Ricans are (still) not satisfied with their current political status; and secondly, a growing number of them (although still a minority) favor a sovereign free associated state or what could arguably be called a more autonomous form of commonwealth.

As with each of the previous plebiscites, political parties have engaged in a heated discussion following the 2012 plebiscite, focusing on the interpretation of the results of the second question. On the day of the plebiscite there were 498,604 so called ‘blank votes’ cast in the second question that were not calculated in the results. After Puerto Rican Legislative Assembly passed a resolution to recalculate the votes in order to include the blank ones as well, they amounted to 26.5 % of all the votes cast, thus changing the before released data. In the second count, statehood received 44.4 %, free association 24.3 %, and independence 4.0 % of the votes cast (U.S. House of Representatives Subcommittee on Indian, Insular and Alaska Native Affairs 2015). To save the majority victory of the statehood option, the leadership of the PNP argued, although unsuccessfully, that the blank votes should not be included in the final calculations (Pantojas-García 2013, 49). Additionally, the PPD opposed the division of the plebiscite into two parts, since the advocates for statehood, independence and free associated state urged their supporters to choose ‘no’ in the first question, consequently outnumbering the commonwealth supporters and thus easily rejecting the current political status. Furthermore, the PPD argued that the 2012 ballot limited the commonwealth option to its current form only, thus depriving those who support an enhanced form of commonwealth of a vote. Therefore, Governor Garcia Padilla argues that “/w/hat happened in 2012 was the disenfranchisement of pro-commonwealth voters” (U.S. Senate 2013, 10).

6.5 Analysis of the plebiscites and status options

The US Congress first began considering Puerto Rico's political status more than a century ago and has repeatedly emphasized the importance of a clear status alternative, chosen by the people of Puerto Rico, if it is to take legislative action (Pantojas-García 2013, 50). Puerto Rico's electorate has voted for the resolution of the political status question in island-wide plebiscites four times in the past 48 years. While the first plebiscite confirmed voters' satisfaction with the current territorial status, but the Congress failed to take action, the last three votes stumbled upon a great discontent with the status options and their definitions and were thus deemed poorly executed and inconclusive.

Now, let us take a thorough look at each of the status options proposed in the plebiscites. Throughout our work, a lot has been said about the current commonwealth status of Puerto Rico. In 1967, the commonwealth option received a majority (60.4 %) and in 1993 a plurality (48.6 %) of the votes cast, while in 1998 plebiscite, pro-commonwealth voters were urged to choose 'none of the above' option, resulting in an all-time low 0.1 % for the commonwealth option. Moreover, in 2012, the PPD encouraged its supporters to vote 'yes' in the first question and to leave the second question blank in sign of protest (Pantojas-García 2013, 49). Nevertheless, the commonwealth option lost in the first, as well as the second question. It is clear that commonwealth is losing support of Puerto Rican voters, but the new commonwealth in the form of sovereign free associated state seems to be on the rise, going from 0.3 % in 1998 to 24.2 % in 2012.

The plebiscites' results show that the statehood option came second-best in the first three plebiscites, gathering 39.0 % in 1967, 46.3 % in 1993, and 46.5 % of the votes in 1998, while in the second question of the 2012 plebiscite received a plurality of votes (44.4 % when counting the blank votes as well). As already pointed out in previous chapters, while statehood is a viable option for Puerto Rico, it is not an easily achievable one. Presently, Republicans, who have traditionally opposed statehood for Puerto Rico, hold a majority of seats in the 114th US Congress. According to Pantojas-García (2013, 51), their disapproval of admitting Puerto Rico as a state derives from various reasons. First one is the fact that the Island is culturally a Spanish-speaking nation, where, according to the 2010 US Census, merely 10 percent of the inhabitants fluently speak English. Another factor is the political allegiance of Puerto Ricans to the Democratic Party, which would increase said party's

representation in Congress. In addition to these long-established reasons, new ones have emerged, such as Puerto Rico's economic problems, dropping GDP, high unemployment rates, unprecedented migration to the mainland, and population drop by 2 percent. It has been argued that Puerto Rico would be the 'beggar state' of the US and a burden to federal finances, if admitted at a time of fiscal instability.

The PIP has been one of the minority parties in Puerto Rico since its inception and gaining a low level of support on local elections has translated into plebiscites as well. The independence option reached its highest support in 1993 by gaining 4.4 % of the votes, followed by 2012 with 4.0 %, 1998 with 2.5 % and had the least success in 1967, obtaining 0.6 % out of a 66.4 % turnout. It might seem like a long shot at the moment, but if Puerto Rico were to gain independence, there is a reason to believe that Congress would enact a legislation to allow for a transition period to enable Puerto Rico a smooth transformation into an independent state. As with other territories that gained independence from the US, Puerto Rico would receive financial assistance from the mainland during its transition, as well as time to negotiate strategic defense agreements and other matters (Garrett 2011, 29).

Human rights expert Wilma E. Reverón Collazo (in Muñiz 2014) highlighted five similarities of Puerto Rican status plebiscites. Firstly, each plebiscite was held without considering the international law, despite being subsequent to the passing of Resolution 1514; secondly, none were binding for the federal government to take action after being presented with the results; thirdly, none have succeeded in getting the US to take action based on the plebiscite results; fourthly, none of them included a non-partisan or informative campaign in order to educate people thoroughly of the consequences of each option; and lastly, none achieved a consensus or participation of all political parties without them boycotting one another.

7 DEBATE ON THE STATUS ISSUE FOLLOWING THE PLEBISCITES

On April 10, 2013, the White House submitted the budget for the next fiscal year to Congress, in which it allocated \$2.5 million for "objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico's future political status" (Pantojas-García 2013, 50). Planas (2013) points out that calling for another vote just few months after

the 2012 plebiscite indicates the Obama administration did not find the results of the last Puerto Rican plebiscite conclusive. In addition, Puerto Rico's current Resident Commissioner and PNP leader Pedro Pierluisi (2013) notes that Washington has finally recognized and accepted the fact that a majority of Puerto Ricans are not satisfied with the current territory status.

On May 15, 2013, Pierluisi introduced the Puerto Rico Status Resolution Act (H.R. 2000) in the House of Representatives, a bill "to set forth the process for Puerto Rico to be admitted as a State of the Union" (U.S. House of Representatives 2013). The bill, according to Pierluisi (2014), provides a blueprint for how the ballot in the next plebiscite should be structured and is cosponsored by 131 members of Congress from both political parties.

On August 1, 2013, the US Senate Committee on Energy and Natural Resources held a hearing on the results of the 2012 plebiscite. In his opening remarks, chairman of the committee Hon. Ron Wyden stated that the current relationship with Puerto Rico undermines the moral integrity of the US. In addition, he posed a rhetorical question: "How much longer can America allow a condition to persist in which nearly 4 million U.S. citizens do not have a vote in the government that makes the national laws which affect their daily lives?" Furthermore, Wyden was very firm when addressing the issue surrounding the new commonwealth option, saying it is in no way a viable option for Puerto Rico's future political status. He believes that "persistence in supporting this option, after it has been rejected as inconsistent with the U.S. Constitution by the U.S. Justice Department, by the bipartisan leadership of this committee, by the House and by the Clinton, Bush, and Obama administrations, undermines resolution of Puerto Rico's status question" (U.S. Senate 2013, 1-2).

Finally, in January 2014, Congress passed the Consolidated Appropriations Act that allocated \$2.5 million for a status plebiscite to be held in Puerto Rico. US Representative José Serrano, a democrat of Puerto Rican descent and an advocate for Puerto Rico's statehood marked the bill as historic, since "for the first time in 116 years, both houses of Congress have asked Puerto Rico to go ahead and vote on its status" (Wasson 2014). Additionally, Serrano (in Pantojas-García 2013, 50) reminded "if a vote for statehood is lost, this alternative will be sidetracked for at least a generation." Although the approved funding has no deadline, Pierluisi made clear that it should be allocated sooner rather than later, stating if the ruling

PPD should stall with convening a referendum, his party will take action as soon as it comes to power (La Prensa 2014).

According to the latest research, the viable options for the federally-sponsored status vote include statehood, independence and nationhood in a form of free association with the US that either side could end. On the other hand, the current status of commonwealth is not an option because it could not resolve the question of Puerto Rico's ultimate status (Puerto Rico Report 2014). According to the latest Task Force report (The President's Task Force on Puerto Rico's Status 2011, 26), any commonwealth option, even so called 'enhanced commonwealth,' would entail Puerto Rico being a territory subjected to federal authority, thus not solving the current status problem. Furthermore, Senators Wyden and Murkowski from the Senate Committee on Energy and Natural Resources have sent a letter to Resident Commissioner Pierluisi in December 2013, in which they stressed that no matter the formal process being used to determine Puerto Rico's political status, "non-viable status options such as 'enhanced commonwealth' should not be considered, as they confuse the debate and undermine efforts to resolve this issue of great importance to both Puerto Rico and the United States" (Wyden and Murkowski 2013).

On the other hand, Puerto Rico's Governor and the PPD's headman García Padilla has argued both statehood and independence would have detrimental effect on Puerto Rico's economy, since the benefits of not having to pay bond taxes as well as income taxes on local earnings would be abolished (Wasson 2014). Likewise, in an interview for CNN, the Governor stated that statehood would deprive Puerto Rico of competitive advantages it has with foreign businesses and consequently make it poorer. He went as far as saying that statehood "would convert Puerto Rico into a Latin American ghetto" (Caribbean Business 2013). After more than a year since Obama announced to fund a plebiscite on Puerto Rico's political status, the Governor voiced his goal to hold another multi-optional status plebiscite by the end of 2016 when his first gubernatorial term is to end. In that respect, the PPD's main task is to accurately define the term of enhanced commonwealth that they stand for, since the federal law requires all options on the ballot to be compatible with the US Constitution (Caribbean Business 2014).

In addition to the H.R. 2000 bill introduced in the House by Pierluisi in May 2013, an identical companion bill labeled S. 2020 was introduced to the Senate by Senator Martin

Heinrich of New Mexico on February 12, 2014 (U.S. Senate Committee on Energy and Natural Resources 2014). As well as the previous Puerto Rico Status Resolution Act, the S. 2020 bill “outlines the rights and responsibilities of statehood and provides for a federally-sponsored vote on the territory’s admission as a state.” In the case of affirmative vote for statehood, the bill requires further legislative process to take place in order to admit Puerto Rico as a state of the US (Pierluisi 2014b). In response to some senators’ argument that the bill excludes other options for political status, Pierluisi (2014a) answers that “a binary vote, by definition, is not exclusive,” and that “those who support statehood can vote ‘yes’ and those who oppose it can vote ‘no.’” Furthermore, the Resident Commissioner points out that both Alaska and Hawaii had the same form of ballot when voting on whether to become a state of the US.

After legislation proposing a yes-or-no vote on Puerto Rico’s political status was introduced in both houses of Congress, Pierluisi introduced another bill titled Puerto Rico Statehood Admission Process Act (H.R. 727) on February 4, 2015. During his speech in House of Representatives, he called it “the most forceful and ambitious statehood admission bill for Puerto Rico in US history” (Pierluisi 2015). The bill yet again suggested a simple question to be presented on the ballot for the next status referendum: “Shall Puerto Rico be admitted as a State of the United States?” with available answers ‘yes’ and ‘no.’ Additionally, the bill provides for an automatic series of steps to occur in order to allow Puerto Rico a smooth transition to statehood by 2021 (U.S. House of Representatives 2015). So far, no further action has been taken in relation to this or any of the previously introduced bills.

8 CONCLUSION

At the beginning of our thesis we have set three research questions in order to focus our paper and guide our research, and we have been able to answer all of them throughout our work. In this chapter, we will summarize our findings and present final thoughts on the issue. The results of the four status plebiscites confirm that the independence option for Puerto Rico’s political status enjoys very little public support, thus making it an unachievable and, after all, unwanted status option, at least for now. On the contrary, the statehood option enjoys a significant public support, but faces obstacles in the form of congressional non-cooperation and strong political opposition. From the US’s point of view, statehood for Puerto Rico

presents two major problems, first one being cultural, since the Island inhabits majorly Latin American population with their own language and customs. The question arises, whether the US has the ability to integrate such a nation without suffering damaging repercussions or whether it might even insist on partial assimilation of the people of Puerto Rico prior admission. The second concern is economical due to Puerto Rico's financial struggles and great indebtedness. Since the Island's economy is incomparable to those of American states, admission of economically unstable and poor Puerto Rico would most certainly come across major opposition within the US. Those are just some of the topics Congress would most likely rather steer clear of. Nevertheless, recent endeavors by Resident Commissioner Pedro Pierluisi in Congress suggest that admission as the 51st state of the US might be in Puerto Rico's near future.

In order to get a better understanding of the current state of the status issue and to test our educated guess that the problem lies in Puerto Ricans' inability to unify around one constitutionally acceptable status option, we have set the following hypothesis: *The question of Puerto Rico's political status remains unresolved due to Congress's disinclination to change the status when there is a lack of clear preference from the people of Puerto Rico for a specific status option.* As we have established during our work, opinions on the ultimate political status for Puerto Rico are split and a unified solution is most likely unachievable. While some argue that Puerto Rico's current unique relationship with the federal government benefits the Island's economy and development, others oppose the temporality of the commonwealth status and support one of two permanent status options, independence or statehood. In addition, an increasing number of Puerto Ricans support the emerging free associated state option. Although it has been specified multiple times by many experts and even the federal government that the enhanced version of commonwealth is not compliant with the US Constitution, some Puerto Ricans still advocate for this type of territorial status. It seems like many Puerto Ricans have grown accustomed to their territorial status, and while there have been some attempts from the mainland to help Puerto Rico determine its political status, the US is in no hurry to attend to the issue. Congress has had numerous opportunities to address Puerto Rico's initiatives to change its current status and, some would argue, a moral (if not other) responsibility to do so. Since the beginning of calls for change to the political status, Congress has never openly opposed the process of resolving Puerto Rico's status question, but has rather expressed reasonable doubts about consequences each option, if enacted, would entail. Most importantly, Congress stressed on various occasions that it would

act upon the will of the people of Puerto Rico as soon as a clear majority of them agree on a viable status option. The same has been suggested by President Obama as well, and judging by the plebiscites' results, there, in fact, has been a lack of clear status preference among the people of Puerto Rico. We can therefore confirm our set hypothesis.

Over the past three years following the last plebiscite, Resident Commissioner of Puerto Rico Pedro Pierluisi introduced a number of bills in the House of Representatives calling for another vote to be held on the Island, but to no avail. At the moment, Puerto Rico remains an unincorporated territory of the US under plenary authority of Congress. It is clear to see that the current territorial political status is outdated and that people of Puerto Rico are ready to take the next step toward self-determination. Nevertheless, the significant differences of opinions on how to approach the process and what the end result should be are maintaining the Island's political status quo. As our research has confirmed, both independence and statehood are viable constitutional status options for Puerto Rico, although both hardly achievable. The current territory status of the Island, which was not meant to be permanent, represents a residue of the colonial times that ought to be abolished. In addition, the enhanced version of the commonwealth status has been rejected as inconsistent with the US Constitution and proclaimed as a non-viable option by the federal government. Nevertheless, the most recent plebiscite resulted in another viable status option – a genuine form of free association, or *estado libre asociado*. Along with Congress, who has previously entered into compacts of free association with former US territories, both the UN and the US acknowledge this option as a means to complete Puerto Rico's decolonization process. Positioned between the statehood and independence, free associated state could address the issues possibly posed by the other two options, thus more likely to gain public support and congressional approval. Free associated state would, ideally, unite the aspirations of both statehood and independence advocates in ensuring that Puerto Rican cultural and linguistic uniqueness stays unchallenged and, at the same time, enabling Puerto Rico to become an equal economic partner in the international community. On the other hand, one of the disadvantages of the free associated state option is the lack of established representation on local and national level. On the basis of recent activity regarding Puerto Rico's political status both on the Island and in the US, we could predict that further action might be taken in November 2016, concurrently with the next general elections in Puerto Rico. Regardless, one thing is for certain; long and rocky road awaits Puerto Rico on its way to self-determination.

9 PRAVNI POLOŽAJ PORTORIKA: DRŽAVA, OZEMLJE ALI KOLONIJA? – SUMMARY IN SLOVENE LANGUAGE

Odnosi med prebivalci Portorika in Združenimi državami Amerike (v nadaljevanju ZDA) se prepletajo že več kot stoletje, tako na političnem, ekonomskem, socialnem kot kulturnem področju. Trenutni pravni položaj Portorika je neposredna posledica oblasti, ki jo imajo ZDA nad Portorikom že od konca Špansko-ameriške vojne leta 1898, ko je Španija predala ozemlje Portorika v roke Američanom s podpisom Pariške pogodbe. Serija primerov Vrhovnega sodišča ZDA, imenovanih Otoški primeri (*Insular Cases*), je opredelila Portoriko kot 'nepriključeno ozemlje' (*unincorporated territory*) pod absolutno oblastjo kongresa ZDA (Shaw 1993, 1012). Leta 1900 je kongres s sprejetjem Forakerjevega zakona med drugim ustanovil civilno vlado Portorika ter uvedel mesto rezidenčnega komisarja Portorika s sedežem v Washingtonu. A šele z Jonesovim zakonom leta 1917 je bilo prebivalcem Portorika podeljeno ameriško državljanstvo ter sprejet odlok o človekovih pravicah Portoričanov. Leta 1950 je kongres dal Portoriku možnost, da s plebiscitom sprejme svojo ustavo in istega leta je kongres s sprejetjem Zveznega zakona o odnosih s Portorikom (*Puerto Rican Federal Relations Act*) podelil nadzor nad notranjimi zadevami otočja ozemeljski oblasti Portorika, dve leti zatem pa je potrdil še portoriško ustavo (Garrett 2013, 3). ZDA so na podlagi podelitve velike mere pravic samoodločanja Portoriku uspele prepričati Organizacijo Združenih narodov (v nadaljevanju OZN), da le-tega odstranijo s seznama kolonialnih ozemelj (Sutton 2008, 10). Z letom 1952 se je otočje Portoriko uradno poimenovano *Commonwealth* (špansko *Estado Libre Asociado*⁷) in predstavlja del ozemlja ZDA pod avtoriteto kongresa, a približno trem milijonom in pol Portoričanom je še vedno odvzeta demokratična oblika vladavine na nacionalni ravni, saj nimajo pravice voliti predsednika ZDA in niso zastopani v kongresu.

Dolgoletni razgreti debati o pravnem položaju Portorika še zdaleč ni videti konca. Polemika ima več razsežnosti in zapleteno zgodovinsko ozadje, v njej pa se kreše veliko mnenj in stališč. Nekateri trdijo, da Portoriko ostaja zadnja kolonija na svetu ter da je 'commonwealth' le krinka in da do prave dekolonizacije ni nikoli prišlo, nasprotniki pa se izgovarjajo na priznanje samouprave Portorika s strani OZN ter izbrisa le-tega s seznama nesamoupravnih ozemelj. V magistrskem delu smo za lažje razumevanje izbrane teme predstavili sodobno

⁷ Ustrezen prevod v slovenščino bi bil 'svobodna pridružena država.'

zgodovino Portorika od začetka obdobja ameriške nadvlade do danes, s poudarkom na pomembnih spremembah v političnem razmerju med Portorikom in ZDA. Nadalje smo podrobneje predstavili trenutni pravni položaj Portorika ter vse potencialne možnosti za spremembo le-tega, vključno z njihovimi posledicami tako za Portoriko kot ZDA. Prav tako smo prikazali nasprotujoča si stališča treh portoriških političnih strank ter vloge predsednikov ZDA in njihove pobude k razrešitvi vprašanja pravnega položaja Portorika. Ne nazadnje pa smo analizirali rezultate štirih plebiscitov, ki so bili izvedeni na temo pravnega položaja Portorika v zadnjih 48 letih ter razpravo, ki jim je sledila, s poudarkom na vlogi kongresa.

Bistvenega pomena za razumevanje razprave o pravnem položaju Portorika je opredelitev in interpretacija vseh možnosti za razrešitev tega problema. Leibowitz (1989, 43) pravi, da pojem 'commonwealth' zagotavlja lokalno avtonomijo, podobno državnih, hkrati pa tudi omejuje federalno oblast. Drugi teoretiki so mnenja, da je 'commonwealth' teritorialnega značaja in da bi moral biti le začasni pravni položaj Portorika, ki pa bi slej ko prej prerastel v eno izmed stalnih statusnih možnosti (Garrett 2011, 20). Nekateri politiki portoriške politične stranke, ki načeloma zagovarja 'commonwealth' kot edino ustrezno pravno ureditev Portorika, so svoje upe prenesli na tako imenovani 'okrepljeni commonwealth' (*enhanced commonwealth*), ki naj bi omogočal Portoriku, da deluje znotraj nekakšnega sivega območja, kjer mu je zagotovljena suverenost in je obravnavan kot država ZDA, ne da bi to dejansko bil. Čeprav je bilo s strani številnih strokovnjakov kot tudi zvezne vlade večkrat poudarjeno, da taka možnost pravnega položaja Portorika ni ustavno sprejemljiva, nekateri Portoričani še vedno zagovarjajo to vrsto teritorialnega položaja. Rezultati preteklih štirih plebiscitov prikazujejo izredno nizko podporo neodvisnosti Portorika, kar samo po sebi onemogoča uresničljivost te možnosti. Nasprotno pa državnost uživa visoko stopnjo javne podpore, vendar se sooča z neodzivnostjo kongresa in močno opozicijo stranke, ki zagovarja trenutno stanje oziroma 'okrepljeni commonwealth.' Za ZDA državnost Portorika prinaša dva večja problema, prvi je kulturne narave, saj je Portoriko otočje z izrazito drugačno kulturo in jezikom in bi pred priključitvijo Portorika k ZDA bila potrebna asimilacija prebivalcev. Drug pomislek pa je ekonomske narave, saj se Portoriko trenutno sooča z velikim finančnim primanjkljajem in zadolženostjo. Sprejetje take gospodarsko nestabilne države bi imelo negativne učinke in bi najverjetneje naletelo na nasprotovanje s strani preostalih držav ZDA. A na podlagi nedavnih prizadevanj rezidenčnega komisarja Pierluisija v spodnjem domu kongresa bi bilo moč sklepati, da v prihodnjih letih obstaja možnost za priključitev Portorika k ZDA. Z zadnjim plebiscitom leta 2012 pa je do izraza prišla tudi tretja sprejemljiva

možnost, to je svobodna pridružena država v svoji najbolj pristni obliki. Kongres je s tem, ko je sklenil že tri sporazume o svobodni pridruženi državi s svojimi nekdanjimi ozemlji, že dokazal svojo podporo takšnemu pravnemu položaju, hkrati pa tako ZDA kot OZN priznavajo tako sredstvo za dokončanje procesa dekolonizacije Portorika. Glede na to, da svobodna pridružena država pravno-formalno zaseda položaj med državnostjo in neodvisnostjo, bi lahko naslovila pomanjkljivosti prej omenjenih možnosti, in sicer tako, da bi zagotovila nedotakljivost portoriške kulture in jezika, hkrati pa omogočila Portoriku, da postane enakopraven gospodarski partner v mednarodni skupnosti držav. Po drugi strani pa se omenjena možnost za pravni položaj Portorika sooča s pomanjkanjem uveljavljenega zastopanja tako na lokalni kot na nacionalni ravni.

Na začetku magistrskega dela smo si postavili naslednjo hipotezo: *Vprašanje pravnega položaja Portorika ostaja nerešeno zaradi nenaklonjenosti kongresa k spremembi le-tega, če za določeno možnostjo položaja ne stoji precejšna večina Portoričanov.* Ugotovili smo, da je imel kongres številne priložnosti, nekateri celo trdijo moralno dolžnost, da bi naslovil pobude Portoričanov k spremembi sedanjega stanja. Čeprav ni nikoli odkrito nasprotoval razrešitvi portoriškega vprašanja, je imel kongres utemeljene dvome o posledicah takšnih velikopoteznih dejanj. Izpostaviti pa je potrebno, da je kongres večkrat poudaril, da bo deloval na podlagi volje ljudstva takoj, ko se jasna večina Portoričanov odloči za ustavno sprejemljivo možnost pravnega položaja Portorika, a do tega še ni prišlo. Na podlagi ugotovljenega smo našo hipotezo potrdili.

V zadnjih treh letih od zadnjega plebiscita leta 2012 je rezidenčni komisar Portorika Pedro Pierluisi predlagal veliko število predlogov zakonov v spodnji dom kongresa z namenom odobritve novega plebiscita v Portoriku, vendar brez uspeha. Posledično Portoriko še vedno ostaja nepriključeno ozemlje ZDA pod avtoriteto kongresa. Iz rezultatov plebiscitov ter nenehnih pobud za ponovno glasovanje je razvidno, da Portoričani niso zadovoljni s trenutnim zastarelim pravnim položajem svoje domovine in želijo narediti naslednji korak v smeri samoodločbe. A kljub skupni želji po boljšem pravnem položaju obstajajo velike razlike v mnenjih, kako se lotiti procesa dekolonizacije ter kaj naj bo njen končni cilj. Na podlagi nedavnih aktivnosti na temo pravnega položaja Portorika tako na otoku kot na celini si upamo napovedati, da bi do naslednje večje spremembe lahko prišlo v času naslednjih vladnih volitev v Portoriku novembra prihodnje leto.

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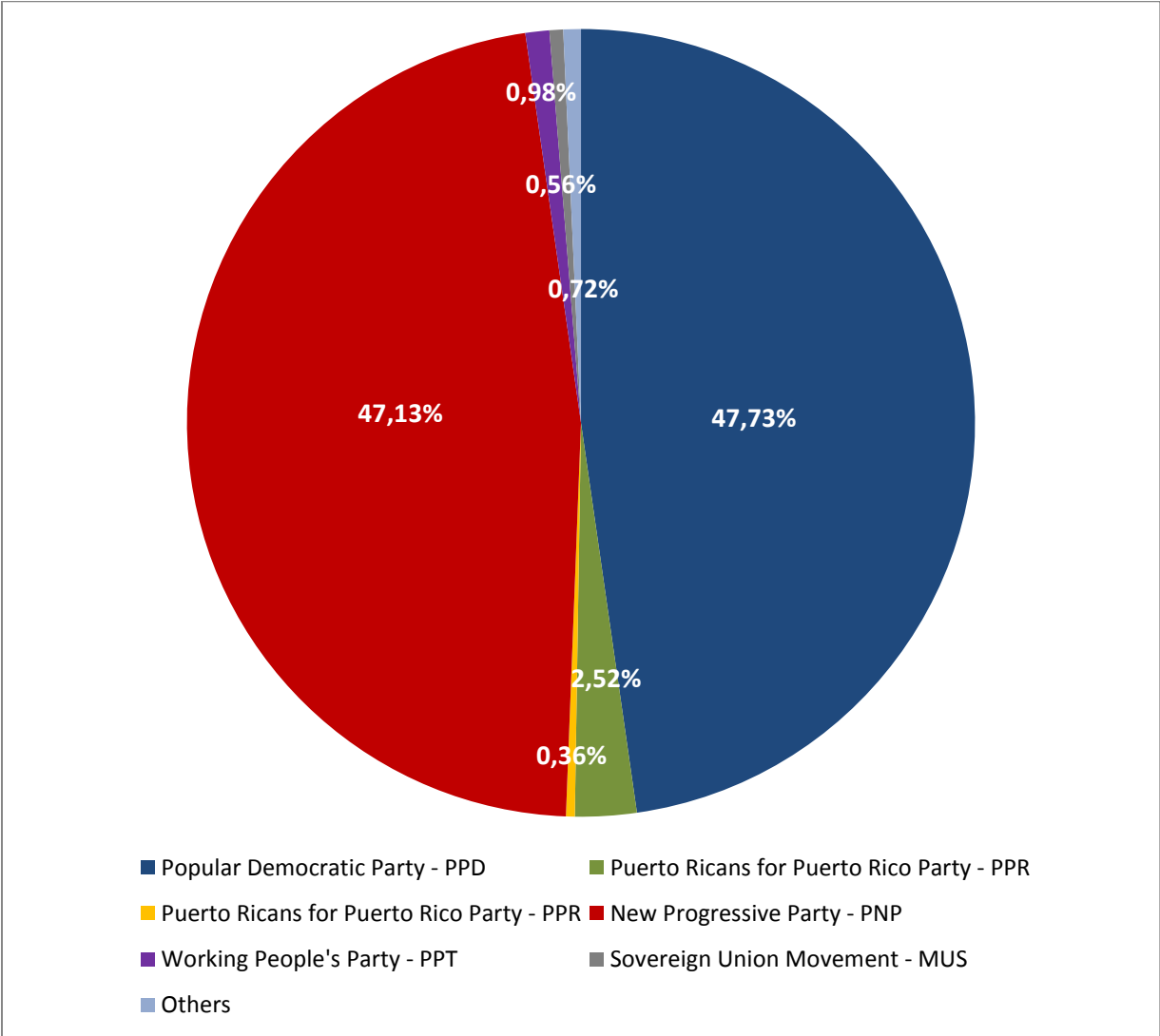
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APPENDIX A: Political party strength in Puerto Rico





Chart 0.1: Political party strength in Puerto Rico since 2012 general elections



Source: Puerto Rico Electoral Commission.

APPENDIX B: Puerto Rican 2012 Plebiscite Sample Ballot

Figure 0.1: Puerto Rican 2012 Plebiscite Sample Ballot

<p>PAPELETA OFICIAL OFFICIAL BALLOT</p> <p>MODELO</p>	 <p>COMISIÓN ESTATAL DE ELECCIONES STATE ELECTIONS COMMISSION MARTES, 6 DE NOVIEMBRE DE 2012 TUESDAY, NOVEMBER 6, 2012</p>	<p>CONSULTA PLEBISCITE</p> <p>SAMPLE</p>
<p>CONSULTA SOBRE EL ESTATUS POLÍTICO DE PUERTO RICO PLEBISCITE ON PUERTO RICO POLITICAL STATUS</p>		
<p>Instrucciones: Marque la opción de su preferencia. La papeleta con más de una (1) opción marcada en esta sección no será contabilizada. <i>Instructions: Mark your option of preference. Those ballots with more than one (1) mark in this section shall not be tallied.</i></p>		
<p>¿Está usted de acuerdo con mantener la condición política territorial actual? <i>Do you agree that Puerto Rico should continue to have its present form of territorial status?</i></p>		
<p>Sí /Yes _____</p>		<p>No /No _____</p>
<p>Instrucciones: Irrespectivamente de su contestación a la primera pregunta, conteste cuál de las siguientes opciones no territoriales usted prefiere. <i>Instructions: Regardless of your selection in the first question, please mark which of the following non-territorial options would you prefer.</i></p> <p>La consulta con más de una (1) opción marcada en esta sección no será contabilizada. <i>Those ballots with more than one (1) mark in this Section shall not be tallied.</i></p>		
		
<p>Estadidad: Prefiero que Puerto Rico sea un estado de Estados Unidos de América, para que todos los ciudadanos americanos residentes en Puerto Rico tengan iguales derechos, beneficios y responsabilidades que los demás ciudadanos de los estados de la Unión, incluyendo derecho a la plena representación en el Congreso y participación en las elecciones presidenciales, y que se requiera al Congreso Federal que promulgue la legislación necesaria para iniciar la transición hacia la estadidad. Si está de acuerdo marque aquí:</p> <p>Statehood: <i>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 citizens of the states of the Union, and be entitled to full representation in Congress and to participate in the Presidential elections, and the United States Congress would be required to pass any necessary legislation to begin the transition into Statehood. If you agree, mark here:</i></p> <p>_____</p>	<p>Independencia: Prefiero que Puerto Rico sea una nación soberana y totalmente independiente de Estados Unidos y que se requiera al Congreso Federal que promulgue la legislación necesaria para iniciar la transición hacia la nación independiente de Puerto Rico. Si está de acuerdo marque aquí:</p> <p>Independence: <i>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. If you agree, mark here:</i></p> <p>_____</p>	<p>Estado Libre Asociado Soberano: Prefiero que Puerto Rico adopte un estatus fuera de la Cláusula Territorial de la Constitución de Estados Unidos, que reconozca la soberanía del Pueblo de Puerto Rico. El Estado Libre Asociado Soberano se basaría en una asociación política libre y voluntaria, cuyos términos específicos se acordarían entre Estados Unidos y Puerto Rico como naciones soberanas. Dicho acuerdo dispondría el alcance de los poderes jurisdiccionales que el pueblo de Puerto Rico autorice dejar en manos de Estados Unidos retendría los restantes poderes o autoridades jurisdiccionales. Si está de acuerdo, marque aquí:</p> <p>Sovereign Free Associated State <i>Puerto Rico should adopt a status outside of the Territory Clause of the Constitution of the United States that recognizes the sovereignty of the People of Puerto Rico. The Sovereign Free Associated State would be based on a free and 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. If you agree, mark here:</i></p> <p>_____</p>

Source: Puerto Rico Electoral Commission 2012.