

The Puerto Rico Self-Determination Act of 2006

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Last week, Sens. Kennedy, Lott, Burr and Menéndez presented a bill in the U.S. Senate to recognize the right of the Commonwealth of Puerto Rico to call a constitutional convention through which the people of Puerto Rico will exercise their right to self-determination and to establish a mechanism for congressional consideration of said decision.

The constitutional convention would be organized through the direct election of delegates by the people of Puerto Rico throughout the island. Its purpose would be to propose to Congress:

1. A new or amended compact of association to replace or amend the compact established under the act entitled “An Act to Provide for the Organization of a Constitutional Government by the People of Puerto Rico,” approved July 3, 1950 (64 Stat. 319) (commonly referred to as “Public Law 600”) and the Commonwealth Constitution; or
2. The admission of the Commonwealth as a State in the U.S., or
3. The declaration of the Commonwealth as an independent country.”

In presenting the bill to the Senate, Sen. Kennedy made the following remarks that shouldn't go unheeded here in Puerto Rico: “Congress will have the final say on the referendum, but the process should start with the people of Puerto Rico and not in Washington. A constitutional assembly will best serve their interest by letting us know their wishes.

“The recommendations in the report released in December by the White House Task Force on the Status of Puerto Rico don't adequately address this basic issue, since the options suggested in the report don't give Puerto Ricans the fair choice they deserve.

“The possibility of change in the current status has stirred intense debate in recent years, and this bill is intended to allow a fair solution that respects the views of all sides in the debate. I urge my colleagues to support this legislation as the most effective way to resolve this issue and give the people of Puerto Rico the respect they deserve.”

As opposed to the White House Task Force Report, the bipartisan bill introduced by Sens. Kennedy, Lott and their colleagues is predicated on fairness to the different aspirations held by Puerto Ricans as to our political future. Thus, it stems from the proposition that self-determination should start with the people of Puerto Rico, not in Washington. This provides for an inclusive process where all Puerto Ricans may participate.

Fairness is of the essence in a people's self-determination of their political future. The Kennedy / Lott bill provides for a democratic process whereby the people of Puerto Rico will elect their delegates to the Constitutional Convention, which will propose to Congress the option preferred by the majority of delegates. Delegates in the minority will have the opportunity to contribute to the proposal of the majority in the way that NPP founder Luis Ferré and García Méndez contributed constructively to the present Commonwealth Constitution.

The White House Task Force report provides for a profoundly unfair referendum. The statehooders who are behind the report and the independence leaders who have joined them out of the bizarre theory that it is a road map to independence because Congress will never grant statehood, want to subvert the basic principles of the democratic process: One man, one vote. They want Washington to exclude Commonwealth voters from the referendum through contrived constitutional theories. They fear the ballot box. They are unwilling to let the people decide what they want and propose it to Congress.

In their desperate attempt to knock Commonwealth from the ballot, statehood and *independentista* leaders have silenced the true nature of the proposition that would be proposed to Congress under the Task Force's report. Yes, it excludes Commonwealth by a spurious definition, but a favorable vote won't lead to the consideration of statehood, rather it will lead to the pursuit of "a constitutionally viable path toward a permanent nonterritorial status." This path is through another plebiscite wherein Congress is "encouraged" by the Task Force to begin a process of transition toward the winning option which, of course, will be statehood.

The road map of this path cuts across the status of incorporated territory for Puerto Rico. This means federal taxes without representation in Congress or voting for the president. It took Hawaii and Alaska more than half a century to travel this path. Are the statehood and independence leaders so obsessed with Commonwealth that they can't see the route that is laid out before them?

The Self-Determination bill stays away from the transition path and levels the playing field so a majority of the delegates may directly present to Congress the option our people desire. Should it be Commonwealth, the statehooders and *independentistas* will have another chance to peddle their constitutional constructs when Congress considers the Commonwealth proposal. Should Congress reject the Commonwealth for whatever reasons, the bill provides for another election of delegates to a new constitutional convention where the statehooders most probably will elect a majority of the delegates and will be able to propose statehood.

If Congress rejects statehood, then the *independentistas* will have their chance at bat because the bill provides for another election of delegates and the Convention may be in permanent session until the status matter is resolved.

The Kennedy / Lott bill is thus fair to the core to all the political aspirations of our people. The statehood and independence leaders would do well in reconsidering their opposition to this bill. Only a bill that is

fair to all the aspirations of the Puerto Rican people can get through Congress. We must all be behind the bill so there is no gridlock generated by our political parties as repeatedly has occurred in the past.

The Kennedy / Lott bill isn't a win-win proposition for any of our political parties. It is a win-win proposition for the Puerto Rican people to resolve their status issue through the democratic process. This means there will be losers and winners, as in any democratic process. Through his support of the Kennedy / Lott bill, Gov. Aníbal Acevedo has demonstrated the courage and the wisdom to take the necessary risks to resolve our century-old problem.

