

## **Puerto Rican Limbo**

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Puerto Rico's undefined political status is a serious national policy issue involving civil rights and democracy for four million U.S. citizens.

Although Puerto Ricans were granted citizenship 90 years ago, Congress still has not adopted a policy to legally determine the island's permanent status. This is a major deviation from the traditional procedure for clear and orderly transition of territories to full democracy through statehood or separate nationhood. As a result, a population of American citizens in Puerto Rico that is larger than that of 25 states endures an indefinite state of political limbo.

This week Congress will hold a hearing on the Puerto Rico Democracy Act -- H.R. 900, sponsored by Rep. José Serrano (D., N.Y.) with 96 cosponsors -- which would resolve the island's political status by creating a long-overdue, federally recognized self-determination process. Congress has the responsibility to settle this national matter by passing this important legislation.

The Puerto Rico dilemma is actually the result of a century-old policy mistake, made during America's experiment with imperialism. In 1898, Congress implemented the Treaty of Paris, annexing Puerto Rico, but without determining a clear policy on the island's future.

Incredibly, in the nine decades since Puerto Ricans became U.S. citizens there has never been a federally sponsored referendum to determine if our fellow Americans want to continue the status quo, with democracy limited to local affairs, or seek statehood or even nationhood. As it stands now, Puerto Ricans can neither vote for president, nor do they have a voting representative in Congress.

Puerto Rico has remained in this political purgatory for so long because of what I believe are flawed federal court rulings that, in effect, gave Congress license to defer indefinitely measures that would enable U.S. citizens in Puerto Rico to redeem the fundamental right of government by consent of the governed. By failing to sponsor a realistic referendum process based on legally valid options, Congress has left Puerto Ricans without a well-defined path to democratic self-determination.

While there is bipartisan support in Congress to give voters in Puerto Rico an opportunity to determine their future status, majority backing has not been forged in Puerto Rico or Congress due to the lack of clearly defined terms for any new status. What has ensued is a state of confusion that has exacerbated the debate.

In 1952, Puerto Rico was allowed by Congress to establish a "commonwealth," a system of internal self-government in local matters otherwise not governed by federal law. This was intended to provide a temporary solution for overseeing local affairs until federally sponsored self-determination led to a permanent status. But many have incorrectly claimed that the "commonwealth" structure now defines Puerto Rico's status.

Since 1952, every U.S. president has endorsed self-determination for the territory, and all local political parties also agree that federally authorized self-determination is needed because the current arrangement is not fully democratic. The Legislative Assembly of Puerto Rico has petitioned Congress to sponsor a status resolution process based on status options compatible with federal law.

The solution seems so apparent, yet action is still lacking, due in part to a series of locally sponsored status votes that have taken place over the past four decades. These votes have been inconclusive because of highly politicized ballot language that included unrealistic and legally invalid options that could not pass muster in Congress.

At the same time, the legislation now pending in Congress to clarify the real options is opposed by proponents of the status quo in Puerto Rico, who advocate an "enhanced commonwealth" status that would never be endorsed by Congress. This status would include federal benefits equal to those given to the states and U.S. citizenship in perpetuity, while allowing Puerto Rico to enter into independent foreign policy and trade agreements with other nations.

It would also continue the annual U.S. taxpayer subsidy, establish Puerto Rico's right to be a virtually separate nation within America, and allow it to exercise a local veto power over all federal law, while allowing unrestricted travel of persons and goods to the mainland. This option is not legally possible or politically realistic. It is incompatible with the Constitution, laws, and policies of the United States.

It is time for Congress to define realistic options so that true self-determination is possible. It is up to Congress to enable the people of Puerto Rico to choose among statehood, independence, or sovereign nationhood under a treaty of free association. These are the only options available under the U.S. Constitution and federal law.

Puerto Ricans are now part of the fabric of our nation, living the American Dream, but also seeking its full promise of freedom and opportunity -- just like the rest of us. On the island, the strong bond that exists with the U.S. has allowed for English and Spanish to flourish as the island's official languages.

Our fellow Americans in Puerto Rico have served on every battlefield since World War I to defend and ensure democratic rights that we in the U.S cherish -- but that they do not have in Puerto Rico. They have long since earned the right to legitimate self-determination.

***Mr. Thornburgh, a former governor of Pennsylvania and a former U.S. attorney general, is the author of "Puerto Rico's Future: A Time to Decide" (2007), published by the Center for Strategic and International Studies.***