

A Rube Goldberg plebiscite



BY RAFAEL HERNÁNDEZ COLÓN

So, we are summoned to vote next November in a plebiscite, which first presents the options of 1) continuing with our status or 2) changing it and, no matter how you vote, going on to choose from among three options: statehood, independence or sovereign free associated state. Rube Goldberg, a U.S. cartoonist, author, engineer and inventor—best known for a series of popular cartoons depicting complex gadgets that perform simple tasks in indirect, convoluted ways—couldn't have designed it better. My reading of the people of Puerto Rico is that a majority isn't interested in this matter and would rather not be bothered with sterile ideological controversies. Nonetheless, a ballot will be handed to us on election day, and we must decide what to do with it.

Bearing in mind that this plebiscite strays far beyond the level playing field that President Barack Obama and his Task Force have called for, and also runs afoul of the options required by the U.S. House of Representatives and, at the end of the day, won't bring about a change in status, one may decide that it shouldn't be taken seriously in the fundamental order of things. Nonetheless, as a political maneuver to bolster the New Progressive Party's chances to win the next election, it does have serious import and requires a strategy to address it.

The rank and file of the Popular Democratic Party is well-aware of the serious electoral problem that the NPP plebiscite poses. It is designed to force a confrontation between the so-called "soberanistas" and the mainstream of the party who favors permanent union with the U.S. Although there is no way the *soberanistas* will prevail, their loud voices are the sustenance of NPP demagoguery, allowing it to mount its proverbial separatist charges against the PDP. If *soberanistas* help the NPP in leveling a credible separatist charge against the PDP, the NPP will win the election.

So, wherever you run into groups of PDP faithful, the matter is discussed and, of course, everybody has an opinion on the strategy that should be followed. Opinions basically run to three strategic options: 1) federal court action for violation of voting rights; 2) voting to maintain the present status; or 3) voting in blank or otherwise annulling the ballot.

The court action would be premised on the violation of voting rights of commonwealth supporters for three reasons:

1) It confronts them with a stacked deck against

commonwealth. Statehooders, *independentistas* and free associationists would join their votes to defeat commonwealth, opting for an unspecified change.

2) By defining commonwealth on the first ballot as being of a territorial nature, which is an ambiguous term and can be interpreted to mean we are under the plenary territorial powers of Congress as expressed in the statement of motives of the plebiscite law. This runs against our Constitution, our compact and several opinions of the U.S. Supreme Court, which hold that Puerto Rico is an autonomous political entity, sovereign like the states of the Union.

3) For using the label "sovereign commonwealth" on the second ballot, an alternative that is an associated republic, not a commonwealth. Thus, voters are deceived into believing this option is what we now have, with U.S. citizenship and federal programs. These characteristics are foreign to the associated republics in the Pacific, which is what the substance of this option establishes. This alleged sovereign commonwealth is the carrot offered to the *soberanistas* to get them to divide the PDP.



run afoul of the fifth and/or 14th amendments of the U.S. Constitution.

The second option being discussed is voting "yes" on the first ballot. This requires an enormous effort to surmount commonwealth supporters' resistance to vote for this option, which is characterized as territorial in nature and intended by the plebiscite law to mean "under the plenary powers of Congress." To get commonwealth supporters to opt for this option, they have to be convinced that no matter how the NPP Legislature has defined commonwealth, the true definition is the one provided by the U.S. Supreme Court. In voting to maintain the current status, they won't be stripping our compact and our Constitution of their legitimacy.

Subjecting commonwealth supporters to these excruciating mental exercises to vote in the plebiscite smacks of the requisites imposed years ago on African-Americans in the southern states to prevent them from voting. This was one of the causes of the Civil Rights Movement.

The third option is to deposit the ballot in blank or otherwise annul it by, for example, crossing out the whole ballot from top to bottom. This is tantamount to abstention, but a protest vote would be recorded against the results of the plebiscite, which then, with certainty, would favor statehood by large numbers.

If this latter option were followed, the State Elections Commission would be certifying statehood as the preference of the people of Puerto Rico to the U.S. president and Congress. The PDP would then have to be in hot pursuit after this certification to explain to the president and Congress the travesty that this mandate wrenched from the people of Puerto Rico. Once again, we would be engaging in a major confrontation between the principal political parties before the White House and Congress on the status issue. The results are already cast in stone: paralysis, they will take no action; nothing will happen. The people of Puerto Rico deserve better from their elected government than this Rube Goldberg ideological contraption called a plebiscite. ■

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Commonwealth supporters out in the street are shocked by the language and structuring of this plebiscite. Confronting commonwealth supporters with a ballot stacked against commonwealth by joining all the options against it, defining commonwealth with equivocal language that negates the powers endowed to our government by the people of Puerto Rico in our Constitution, and branding an entirely different alternative as a commonwealth shocks their conscience and belief in fairness and democratic principles. So many local lawyers say the plebiscite law would

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