

## A recent survey on voting for the President in the commonwealth (I)



BY RAFAEL HERNÁNDEZ COLÓN

Stanford Klapper recently conducted a major survey on the attitudes of the Puerto Rico population on voting for the U.S. President under the commonwealth status. This matter has been at issue in Puerto Rico since the Popular Democratic Party included it as part of its proposal for

an enhanced commonwealth in Resolution No. 1 of the commonwealth Legislature, in which it voted unanimously Dec. 3, 1962, addressed to the Congress of the U.S., calling for a federally sponsored plebiscite between enhanced commonwealth, statehood or independence. In the relevant part, it stated as follows:

“WHEREAS, those who support Commonwealth status conceive its maximum development, in permanent union with the United States of America, under the following principles:

The recognition and re-assertion of the sovereignty of the people of Puerto Rico, so that no doubt may remain of their capacity to enter into a compact under conditions of juridical equality.

The assurance of the permanence and irrevocability of the union between the United States and Puerto Rico on the basis of common citizenship, common defense, common currency, free market, common loyalty to the values of democracy, and of such other conditions as may be considered, in the compact, of mutual benefit to the United States and Puerto Rico.

The specific definition of the powers of the United States with respect to Puerto Rico, which shall exclusively be those essential to the union. All other powers shall be exercised by the constitutional organism of the people of Puerto Rico.

Participation by the people of Puerto Rico in the powers exercised, under the compact, by the government of the United States, in matters affecting Puerto Rico, in a measure proportional to the scope of such powers. This may include, among other ways of implementing such participation, the right to vote for the President and Vice-President of the United States.

The adoption of a formula under which the people of Puerto Rico will contribute to defray the general expenses of the United States government, in a manner compatible with the stability and economic growth of Puerto Rico.

WHEREAS, those who favor federated Statehood conceive it as the only desirable form of permanent Union with the United States, in the way enjoyed by the fifty States of the Union;

WHEREAS, those who favor Independence conceive it in the form already known in other countries of the Americas;

WHEREAS, such three forms of political status are and should be based on the sovereign capacity of the people of Puerto Rico, whether it be for joining the Union as a federated State, for becoming independent, or for developing Commonwealth status, in permanent union with the United States, as requested by its supporters and as the Congress may agree, along the lines of the fourth WHEREAS of this Resolution.”

Congress didn’t grant the proposed plebiscite. Instead, it created a commission to study the status of Puerto Rico. The commission, after an exhaustive study of the status alternatives, recommended a plebiscite on status, which commonwealth won handily with 60% of the votes. This plebiscite was held in 1967. Its mandate for the maximum development of commonwealth in permanent union with the U.S. was to be implemented through an ad hoc committee appointed by the U.S. President and the governor of Puerto Rico.

### The right to vote doesn’t derive solely from citizenship: it depends on where you are.

In 1968, Luis A. Ferré, who had led the statehood movement in the 1967 plebiscite, won the governorship and against the most vehement protest of the Popular Democratic Party, proposed to Richard Nixon, the then-President of the U.S., that the ad hoc committee for the development of commonwealth be created solely to consider granting the right to vote for the U.S. President and Vice President. The other provisions for an enhanced commonwealth weren’t included, among them the devolution of those powers not essential to the Union to the people of Puerto Rico, nor the adoption of a formula under which the people of Puerto Rico would contribute to defray the general expenses of the U.S. government in a manner compatible with the stability and economic growth of Puerto Rico. The Popular Democratic Party denounced the ad hoc committee proposed by Ferré as contrary to the plebiscite mandate, which was for the full development of commonwealth. Nixon and Ferré went ahead and appointed the committee, which ended up recommending that the question of voting for the President should be submitted to the people of Puerto Rico in a referendum.

Ferré lost the 1972 election, and I was elected governor. Nixon then agreed with me to appoint a new ad hoc committee that would take up the full matter of the development of commonwealth and the recommendation of the previous committee on the presidential vote. The new committee

recommended in 1975 a New Compact for the development of commonwealth and endorsed the recommendation of the first committee on a referendum on voting for the President. However, it stated the New Compact would have to be approved by Congress and the people of Puerto Rico before the referendum on the presidential vote was held. The New Compact was approved by the House Insular Affairs Subcommittee in 1976, but time ran out for the bill that year. I lost the 1976 election and the New Progressive Party killed the New Compact in Congress. The referendum on the presidential vote was never held. The issue has been dormant since then.

Now, when discussing the presidential vote for Puerto Rico, we must be clear about what we are talking. We aren’t talking about granting the right to vote for the President to U.S. citizens born in Puerto Rico, but rather to the people of Puerto Rico as such. The right to vote doesn’t derive solely from citizenship: it depends on where you are. If a U.S. citizen born in Kansas becomes a resident of Puerto Rico, he or she can’t vote for the President. If a U.S. citizen born in Puerto Rico moves to Kansas, he or she can vote for the President. So, the action to be taken is to provide the presidential vote to the commonwealth.

The affirmative action Congress would have to take to respond positively to a petition by the people of Puerto Rico to vote for the President would be to pass by a two-thirds majority an amendment to the U.S. Constitution that provides the commonwealth of Puerto Rico shall appoint, in such manner as our Legislature directs, a member of electors who will form a part of the Electoral College and will vote for the President as provided in the U.S. Constitution.

The President and Vice President aren’t chosen directly by the voters in the states of the Union. They vote for electors who, in turn, will choose these officials. This is why, even though Gore won the popular vote in the 2000 election, Bush was elected President because he won in the states with more electors. This antidemocratic mechanism embedded in the U.S. Constitution has come into disrepute and there is a serious movement in the U.S. to amend the U.S. Constitution to provide for the direct election of the President and Vice President directly by the people.

In my next column, I will analyze the findings of the Stanford Klapper survey and put forward my thoughts on this matter. ■

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