

## **The status bill in Congress threatens the compact**

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H.R. 2499, the status bill being pursued in Congress by the New Progressive Party (NPP) leadership is a threat to the compact between the people of Puerto Rico and the U.S. Congress. The compact is the guarantor of the terms of the relationship between Puerto Rico and the United States of America. Ideological blindness makes the NPP leadership, at best, unaware, at worst, perversely destructive, of the legal order created under this compact, which protects the rights of us all.

“There is no compact,” the NPP leaders have told the people of Puerto Rico for years.

“Where is the compact?” they ask.

“It doesn’t exist,” they claim.

They refuse to see or accept what is written in the laws of Congress or in the Constitution of Puerto Rico. Law 600 of 1950 was approved by Congress to invite the people of Puerto Rico to enter into a compact through referenda by which they would organize a government pursuant to a constitution of their own adoption and continue their relationship with the U.S. under a Puerto Rican Federal Relations Act which, among other things, provides for American citizenship to those of us born in Puerto Rico and exempts us from federal taxation. Law 600 was approved by Congress “fully recognizing the principle of government by consent.”

Our Constitution provides that the power of the Commonwealth “emanates from the people” of Puerto Rico “and shall be exercised in accordance with their will within the terms of the compact agreed between the people of Puerto Rico and the United States of America.”

Our Constitution was approved by Congress through Law 447 of 1952, which states Law 600 “was adopted by Congress as a compact with the people of Puerto Rico, to become operative upon the approval by the people of Puerto Rico.”

The existence of the compact is clear. Its terms are contained in our Constitution, in the Federal Relations Act, and in laws 600 and 447. When you pin the NPP leaders against the wall with these legal and historical realities, they then turn to simplistic arguments such as “Puerto Rico has no sovereignty with which to enter into a compact” or to “no Congress can bind another Congress.”

Ever since Commonwealth came about, they committed themselves to any and all possible arguments to prove Commonwealth wasn’t what the Congress stated by law and the people of Puerto Rico stated

through referenda and by our Constitution. Their strategy toward statehood wasn't that of the loyal opposition: "Commonwealth is fine for now but statehood is better in the long run." "Let us defend and use the tools that Commonwealth provides us to prepare ourselves for statehood." On the contrary, their strategy has been one of scorched earth. "Let us destroy Commonwealth with legal arguments, or by destroying its tools such as 936." "From the smoking ruins of Commonwealth, statehood will emerge triumphant like the phoenix bird." Thus they rationalize this profound disloyalty to the common good of the Puerto Rican people.

H.R. 2499 is an egregious example of the scorched-earth approach. It provides for two successive referenda. In the first one, the ballot will require us to choose between continuing with Commonwealth as it is or pursuing a change in status, but the second one doesn't include changes in the existing Commonwealth. It includes only statehood, independence and association between sovereigns.

The results are predictable. On the first ballot, statehood, independence and association between sovereign voters will cast their ballot against continuing with Commonwealth. The option for a status change will prevail. On the second ballot, statehood will win with an overwhelming majority because Commonwealth voters will have nowhere to vote.

Shortly after the second referenda, the NPP will implement the Tennessee Plan for admission into the union. Two senators from Puerto Rico and seven representatives will be knocking on the doors of the Capitol in Washington to be admitted to form part of the Congress. This will be a problem Congress will have to handle.

Our problem, the problem of the Puerto Rican people, will be that in response to the referenda initiated by Congress through H.R. 2499, we will have voted to notify Congress that we no longer want Commonwealth. Statehooders won't get statehood because Congress doesn't commit to any such thing through H.R. 2499, but their argument in Congress will be that the people of Puerto Rico no longer consent to the Commonwealth relationship. Commonwealth will begin to unravel. Arguments will be made, using the contrived referenda results, in federal courts against the precedents of the U.S. Supreme Court recognizing the legitimacy of Commonwealth based on the compact. The same will occur before the United Nations. The compact, which was based on the consent of the people of Puerto Rico to the relationship, will be in a precarious situation.

The NPP leadership is oblivious to the consequences of undermining the compact. It is pursuing an extremely dangerous course through H.R. 2499 that will put at risk our powers of self-government, the right of American citizenship provided by the compact to Puerto Ricans yet unborn, our exemption from federal taxation so important for economic development and other critical matters provided for in the compact. Our people, including the press, were in blissful passivity when they did away with Section 936. The time has come to wake up.