



Estado Libre Asociado de Puerto Rico


Oficina del Gobernador  
La Fortaleza  
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22 de octubre de 2007

Saludos:

Por encomienda del Gobernador, le anejo copia de la comunicación que el Gobernador, Aníbal Acevedo Vilá entregará mañana martes, 23 de octubre de 2007 al Task Force de Status de Casa Blanca.

Atentamente,



Juanita I. Colombani

October 23, 2007

Mr. Steven A. Engel, Co-Chair  
President's Task Force on Puerto Rico's  
Status  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Ms. Maggie Grant, Co-Chair  
President's Task Force on Puerto Rico's  
Status  
Director of Intergovernmental Affairs  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. Engel and Ms. Grant:

I write as the Governor of the Commonwealth of Puerto Rico to offer my Administration's official observations to the White House Task Force on Puerto Rico's status as it prepares to comply with the mandate of Executive Order 13183 and to provide President George W. Bush with an update on its earlier conclusions.

I trust you and the other new Task Force Members are aware that the December 22, 2005 report was widely criticized and repudiated by top U.S. policymakers and a wide group of people in Puerto Rico, including me. Attached you will find a document containing statements by Members of Congress, state, Commonwealth and local elected officials, commentators, and others criticizing the Task Force report as well as HR 900. HR 900, the so-called "Puerto Rico Democracy Act," is based on the report's recommendations, and coincidentally will be marked up today by the U.S. House of Representatives Natural Resources Committee.

From the outset, I must point out significant concerns, findings and references that you should carefully study, consider and analyze before proceeding with additional recommendations on the status of the United States-Puerto Rico political, economic, social, legal and cultural relationship.

First, if the Task Force reiterates its original "findings" concerning the nature of the Commonwealth political relationship, it has the obligation to formally notify the United Nations through the Department of State that the United States deceived the international community during the 1950-1952 process that led to the establishment of the Commonwealth of Puerto Rico and its acceptance as a valid and dignified status option by the United States and the U.N. in 1953. As a result, for the first time since 1953, the United

States should now be obliged to submit to the United Nations periodic reports regarding the status of the "non-self governing territory under its jurisdiction," in accordance with the U.N. Charter.

In one of the most absurd sets of conclusions I have ever read, the Task Force report ignored the rich and legally sound process that led to the creation of a non-territorial Commonwealth relationship between Puerto Rico and the United States, including the United Nations' international validation of Commonwealth status. More disturbing, yet highly relevant to the present and future of Puerto Rico, is the report's denial of future status options other than the traditional statehood and independence, which the people of Puerto Rico have historically and repeatedly rejected.

In an illogical historical and legal twist, the Task Force report concluded: that the U.S. could cede Puerto Rico to another nation whenever it wishes, without consideration of the consent of the people of Puerto Rico; that the U.S. could arbitrarily rescind the U.S. citizenship of anyone born in Puerto Rico, even if he or she lives in one of the states of the United States, as do some 4 million Puerto Ricans; and that the U.S. Constitution prohibits the U.S. Government from entering a relationship of mutual consent with the people of Puerto Rico. In essence, the December 22, 2005 Task Force report would lead one to conclude that the U.S. tricked the world in the early 1950s when it declared that the relationship between Puerto Rico and the United States was based on the mutual consent of both peoples.

It was my hope prior to the 2005 report that we would jointly move forward without re-interpreting history to accommodate the wishes of political groups on the island. This should be a forward-looking process, not one of historical review. Unfortunately, the Task Force decided to enmesh itself in controversial historical revisionism and, by reaching certain new conclusions about past events, closed the democratic door on future status options for Puerto Rico. Because we mutually depend on trust and respect, it is impossible to craft a creative, non-traditional, political relationship between our peoples in the future if we change the meaning of our historic legal commitments for purely political reasons. Simply stated, you either reached the wrong conclusions in the 2005 report or the U.S. deceived the world in the 1950's.

My Administration's position is very clear: if the Task Force and the Bush Administration stand by their 2005 conclusions, then for over 50 years the U.S. Government has perpetuated a "monumental hoax" on the people of Puerto Rico, on the people of the United States and on the international community. If the 2005 report articulates the new official position of the United States, the time has come now for the State Department to formally notify the United Nations of this new position and assume the international legal consequences. You cannot have a legal and constitutional interpretation for local, political purposes and a different one for the international community. If it is a serious, relevant document, the report must have international consequences. Alternatively, the Task Force may review and amend the 2005 conclusions to make them consistent with legal and historical precedent, and therefore allow future status developments based on a binding compact.

Second, the Task Force report not only ignored relevant international law, federal judicial precedent and decades-long official Executive pronouncements concerning the Commonwealth. It also ignored the will of the people of Puerto Rico and analysis by some of the most prestigious U.S. Constitutional scholars who have emphasized the need for an accurate reading of the constitution during which a political status like the Commonwealth's is not only possible but is in certain instances desirable. The Task Force report provided the basis for HR 900, but it did not provide the basis for any legitimate process of self-determination.

As the statements in the attached document show in greater detail, HR 900 is clearly designed to eliminate any option of Commonwealth status and provide for an artificial supermajority for Puerto Rico to become the 51st State of the Union. Advocates of Puerto Rican statehood have found in the report an avenue to accomplish what they have not been able to accomplish in the ballot box in Puerto Rico. They crafted an airtight two-step process where statehood would be the only possible outcome, even if most Puerto Ricans have not and do not favor that status option. Far from dealing with the status situation seriously, implementation of HR 900 would violate the rights of hundreds of thousands of Puerto Ricans. History has shown that societies that feel trampled by electoral processes that pre-determine the outcome—like those in HR 900—never accept those outcomes. Statehood by imposition or elimination is not democracy.

Third, I strongly believe that the best process through which to address the aspirations of the people of Puerto Rico concerning the political status of the Island and its relationship with the U.S. is through a Constitutional Convention. Such a process is provided for in HR 1230, "the Puerto Rico Self-Determination Act of 2007." HR 1230 offers a democratic and inclusive alternative to address the aspirations of the people of Puerto Rico regarding our political status. It provides for Congress to recognize the inherent authority of the people of Puerto Rico to call a Constitutional Convention. This Constitutional Convention would be composed of a number of delegates to be determined in accordance with legislation approved by the Commonwealth of Puerto Rico for the purpose of proposing to the people a self-determination option based on the sovereignty of the people of Puerto Rico and not subject to the plenary powers of the territorial clause of the Constitution of the United States. If approved by the people of Puerto Rico in a referendum, the Constitutional Convention would then present the option to Congress. Contrary to HR 900, the mechanism proposed in HR 1230 complies with all applicable international legal standards. Self-determination options in HR 1230 include (i) a new or modified Commonwealth status, (ii) Statehood, or (iii) Independence. For decades, Puerto Ricans have been divided among these three options.

While the process recommended by the Task Force in its December 22, 2005 report is flawed, the Task Force was right in calling for Congressional action. The Congressional action, however, should be as suggested in HR 1230, to recognize the right of the people of the Commonwealth of Puerto Rico to elect delegates to a Constitutional Convention to submit one proposal outlining the desired self-determination option, first to the people and then to Congress. HR 1230 has the support of the Popular Democratic Party (PDP); of

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various proponents of political status options other than Commonwealth; of several leaders of civil society; and of civic organizations such as the Puerto Rico Bar Association, the Puerto Rico Teachers' Association and the Puerto Rico Mayors' Association, among others. Unlike other past and present initiatives, HR 1230 is not slanted for or against any particular political status option. The bill offers a fair, democratic and inclusive means for the people of Puerto Rico to express their voice and exercise their right of self-determination.

You must treat the issue of the political status of Puerto Rico with the historical objectivity and respect that it deserves. You must open the doors for the future of Puerto Rico, not close doors by artfully denying options. There is vast historical, legal and international support for a different set of legal findings. There is more than enough scholarly work to sustain the validity of a new or amended Commonwealth as a non-territorial status in the future, both under the U.S. Constitution and international law. There is ample democratic support by the people of Puerto Rico for an enhanced Commonwealth and there is a carefully crafted constitutional convention mechanism of self-determination already offered as an appropriate vehicle to address options for the future. Let us work together to open the doors, not to close doors.

Sincerely,

Anibal Acevedo Vilá