



Research Report

General Assembly 4

Addressing the political and voting
rights for the people of Puerto Rico

Simon Theis

Deputy President

Introduction

The political and voting rights of Puerto Ricans have always been a contentious issue since Puerto Rico became an American territory in 1898. In 1917, Puerto Ricans gained American citizenship with the Jones-Shafroth Act. As citizens of a territory and not of any state, despite their freedom to carry a US passport, Puerto Ricans do not have full voting rights. This in turn raises questions of democratic representation and participation, with U.S. citizens living in Puerto Rico not entitled to vote in presidential elections nor possessing any vote in Congress.

One of the major problems Puerto Ricans face involves the political status of the island and debate over a move towards statehood, independence, or maintaining its present status as a commonwealth. When established as a commonwealth in 1952, Puerto Rico obtained limited self-government but remained under the sovereignty of the United States. While Puerto Ricans do pay some federal taxes and are required to enlist in the U.S. military, they are excluded from the mainstay of political rights and processes that shape national policy, such as not having the right to vote for either Harris or Trump in this year's election. This has fueled a general discontent among many Puerto Ricans due to their sidelining in US politics while bearing U.S. citizenship.

The status of Puerto Rico has been the subject of multiple votes and congressional debates. In 1967, 1993, 1998, 2012, and 2020, Puerto Ricans voted on their preferred political status which were: statehood, independence, or maintaining the commonwealth. Even though there has been increasing support for statehood the U.S. Congress has not taken any steps to resolve the goofy ah issue in Puerto Rico. However, the situation remains tricky with arguments for statehood like those from the New Progressive Party (NPP) who advocate for equal political rights and access to federal resources, being faced with opposition by parties such as the Popular Democratic Party (PPD) who stress the importance of maintaining a degree of autonomy and cultural distinction under the current commonwealth status.

Furthermore, the American Civil Liberties Union (ACLU) has historically engaged in the debate, particularly regarding voting rights for Puerto Ricans. In the 1960s, the ACLU argued that all U.S. citizens, regardless of where they reside, should have the right to vote in national elections. However, this stance faced opposition from Puerto Rican political leaders who feared that granting voting rights would accelerate the push toward statehood, something the political leaders of Puerto Rico

especially Luis Marin who was the governor of Puerto Rico did not support at the time. This conflict underscored tension in Puerto Rico between those who advocate for greater integration with the U.S. and those who wish to preserve Puerto Rico's distinct political and cultural identity and vote for freedom.

Currently, the debate over Puerto Rico's future status continues to unfold. In December 2022, for the first time, the U.S. House of Representatives passed a bill that would allow for a binding referendum to determine the island's political future. However, the bill failed to pass the Senate, leaving Puerto Rico's future unresolved.

Definitions of Key Terms

Political Rights

Political rights refer to an individual's ability to participate in the civil and political life of the society and state without fear of discrimination or repression and is tied closely to citizenship status. Such rights include not only the right to vote in an election, but also the rights to join a political party; run for office; and participate freely in political rallies, events, or protests.

Voting Rights

Rights of participation in especially public elections.

Commonwealth

A political status that grants Puerto Rico autonomy over its local affairs while remaining a U.S. territory without full representation or voting rights in federal matters. This status was established in 1952 and allows for a unique but limited relationship with the United States.

Statehood of Puerto Rico

The political movement and potential status advocating for Puerto Rico to become the 51st U.S. state, which would grant Puerto Ricans full representation in Congress and the ability to vote in presidential elections.

Plebiscite

A type of vote or referendum used to determine the will of Puerto Rican citizens regarding the island's political status, such as whether to remain a commonwealth, pursue statehood, or become independent.

ACLU (American Civil Liberties Union)

A U.S. civil rights organization that became involved in advocating for expanded voting rights for Puerto Ricans during the 20th century, supporting the idea that all U.S. citizens should be able to vote in presidential elections, regardless of their residency.

Electoral College

The system by which the U.S. President and Vice President are elected, currently excluding Puerto Rican residents from voting due to Puerto Rico's territorial status.

New Progressive Party (NPP)

A political party in Puerto Rico established in 1967, advocating for the island to attain statehood and independence.

Popular Democratic Party (PPD)

Another major political party in Puerto Rico, supporting the continuation of commonwealth status rather than statehood or independence.

Self-determination

The right of Puerto Ricans to decide their own political future through democratic processes like plebiscites, often tied to debates about statehood, independence, or remaining a commonwealth.

General overview

Puerto Rico, acquired by the United States from Spain in 1898, has been under U.S. jurisdiction for over a century. Initially governed by U.S. military rule, the U.S. Congress established a civilian government on the island in 1900 with the Foraker Act, which included a governor appointed by the president, executive council members, and a U.S.-style judiciary. In 1917, Congress passed the Jones Act (see intro), granting U.S. citizenship to Puerto Ricans and creating a bicameral (having two branches or chambers e.g. a bicameral Parliament consisting of an appointed Senate and a popularly elected House of Assembly) legislature to replace the previous executive council, moving the island toward limited self-governance.

In 1952, Puerto Rico's status evolved further when Congress approved the island's constitution, giving it the designation of a "commonwealth." This status allowed Puerto Rico internal self-governance while leaving external affairs under U.S. control, yet without the full representation and federal privileges of U.S. states. "Commonwealth" status remains controversial as it signifies neither statehood nor independence.

Since the 1950s, Puerto Rico's political status has been a recurrent issue among policymakers and on the island. To address the question of statehood or independence, the island has held several plebiscites since 1967. Support for different status options varied. Plebiscites in 2012, 2017, and 2020 showed significant, but varied, support for statehood, though these referenda were nonbinding and did not lead to federal legislative action. In 2012, 54% of Puerto Ricans voted against the current territorial status, and 61.2% of voters who answered the second ballot question favored statehood. In 2017, 97.2% of voters selected statehood, though turnout was low at 23%, leading some to question the legitimacy of the result. In 2020, 52.5% of voters in Puerto Rico favored statehood over maintaining the current status, with a higher turnout of about 52%. Although these plebiscites showed recurring support for statehood, Congress has not yet acted to change Puerto Rico's political status.

The debate over Puerto Rico's status involves three primary perspectives aligned with its main political parties. The Popular Democratic Party (PDP) generally supports the status quo or an "enhanced commonwealth" that grants Puerto Rico more autonomy while remaining under U.S. jurisdiction. The New Progressive Party (NPP) advocates for statehood, aiming for Puerto Rico to gain full representation and rights as a U.S. state. The Puerto Rican Independence Party (PIP) supports full independence, though it has received limited electoral support.

At the federal level, recent legislative efforts reflect the continued interest in Puerto Rico's political future. In the 118th Congress, Representative Grijalva introduced the Puerto Rico Status Act (H.R. 2757), proposing a plebiscite that would offer three options—*independence*, *sovereignty in free association* (basically means they have sovereignty but are closely tied to the US both economically and politically), and *statehood*—excluding the current territorial status. Senator Wicker's bill, S. 2944, also titled the Puerto Rico Status Act, proposed a plebiscite that includes a "commonwealth" option, reflecting his belief that many Puerto Ricans favor an enhanced version of the current status. A related Senate bill (S. 3231), introduced by Senator Heinrich, serves as a companion to H.R. 2757.

This has also contributed to the increasing temperature of debates over the political status of Puerto Rico, which some argue could bring about a result of statehood or a new status that would serve to stabilize its financial position. In 2016, Congress passed the Puerto Rico Oversight, Management, and Economic Stability Act—the PROMESA—to address the

economic crisis on the island, involving for the first time a federal oversight board with powers over the finances of Puerto Rico. PROMESA allowed restructuring of Puerto Rico's debts and circumscribed its fiscal autonomy. Based on those features, some framed PROMESA as an undermining of Puerto Rican self-government and as one of the negative consequences of territorial status. Although PROMESA did not address political status directly, it underlined the economic fragility of territories and the perils associated with their lack of representation and support in Congress.

The lack of full representation in Congress limits Puerto Rico's influence over federal policies that affect its residents. Although Puerto Ricans are U.S. citizens, they cannot vote in presidential elections and only have a nonvoting representative in the U.S. House of Representatives. This partial representation restricts Puerto Ricans' influence over U.S. policies, including those affecting federal funding and economic policy. Additionally, residents of Puerto Rico do not pay federal income taxes on island-sourced income, which complicates the island's fiscal relationship with the mainland and excludes them from some federal programs available to U.S. states.

The implications of Puerto Rico's political status extend beyond economic and political factors to questions of cultural and social identity. Many Puerto Ricans value the island's unique cultural heritage and Spanish language, which distinguishes it from U.S. states. On the one hand statehood supporters argue that joining the union would protect residents' rights and enhance their economic stability, while others fear it could threaten the island's distinct identity. On the other hand, independence advocates believe that Puerto Rico should become a sovereign nation to fully preserve its cultural identity. The concept of free association offers a middle ground, allowing for autonomy while maintaining a relationship with the U.S.

Major parties involved

United States Congress

The U.S. Congress holds authority over Puerto Rico's status under the Constitution's Territory Clause, shaping the island's governance and voting rights. Congress granted U.S. citizenship to Puerto Ricans in 1917 (Jones Act) but limited their representation in federal matters. In 1950, Congress passed Public Law 600, allowing Puerto Rico to draft its own constitution, establishing the commonwealth status in 1952, which provides local autonomy but not federal voting rights. Despite recent plebiscites showing majority support for statehood, including a 52.5%

vote for statehood in 2020, Congress has not enacted any binding change. The 2022 Puerto Rico Status Act (H.R. 8393), which passed in the House, proposed a binding vote on status options but stalled in the Senate.

The Puerto Rican Government

The Puerto Rican Government, consisting of the Governor, Resident Commissioner, and Legislature, advocates for Puerto Rico's political future. Local referendums held in 1967, 1993, 1998, 2012, 2017, and 2020 provided Congress with Puerto Rican voters' preferences, but none led to a federal mandate. The Resident Commissioner represents Puerto Rico in the U.S. House but cannot vote on most legislation.

New Progressive Party (NPP)

The New Progressive Party (NPP) advocates for Puerto Rican statehood. It believes statehood will secure voting rights, full Congressional representation, and equal access to federal programs. The NPP campaigns actively within U.S. political circles, aligning with mainland parties to generate support for statehood legislation and arguing that the current status limits Puerto Rico's influence on policies that impact it.

Popular Democratic Party (PDP)

The Popular Democratic Party (PDP) supports Puerto Rico's commonwealth status with increased autonomy. The PDP believes this status preserves Puerto Rican culture and provides flexibility regarding U.S. tax and policy requirements. The party advocates for an "enhanced commonwealth" that allows for greater control over internal matters without the responsibilities or full integration of statehood.

Puerto Rican Independence Party (PIP)

The Puerto Rican Independence Party (PIP) supports full independence. The PIP contends that Puerto Rico's territorial status restricts sovereignty and that independence would provide full control over policies, economics, and cultural preservation. Though less electorally popular, the PIP represents a significant pro-sovereignty perspective, challenging U.S. authority over Puerto Rican governance.

United Nations Special Committee on Decolonization

The United Nations (UN) Special Committee on Decolonization monitors Puerto Rico's status, as it considers the island's current arrangement colonial. The Committee urges the U.S. to allow Puerto Ricans to exercise full self-determination and advocates for a binding process that would let Puerto Ricans choose their political future without federal

imposition. While the UN lacks enforcement power, its involvement raises international awareness and applies pressure for a conclusive resolution.

Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) Oversight Board

The Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) Oversight Board was established by Congress in 2016 to address Puerto Rico's debt crisis, with broad fiscal control over the island. The board's power to oversee budgets and finances highlights the limitations of Puerto Rican autonomy and has become a focal point in calls for statehood or independence, with many viewing it as an imposition on Puerto Rican governance.

Timeline of Key Events

1898 - *Treaty of Paris*

The United States acquires Puerto Rico from Spain following the Spanish-American War, establishing it as a U.S. territory under military governance.

1900 - *Foraker Act*

Congress establishes a civilian government in Puerto Rico, creating an executive council appointed by the President and a locally elected House of Delegates. This begins a limited form of self-governance.

1917 - *Jones Act*

Congress grants U.S. citizenship to Puerto Ricans and establishes a bicameral legislature, replacing the executive council with an elected Senate and House of Representatives, furthering the island's self-governance.

1947 - *Elective Governor Act*

Congress allows Puerto Ricans to elect their own governor for the first time, expanding their political representation.

1950 - *Public Law 600*

Congress enables Puerto Rico to draft its own constitution, providing the basis for its "commonwealth" status.

1952 - *Commonwealth Constitution*

Puerto Rico's constitution is approved by Congress, officially designating Puerto Rico as a commonwealth with internal autonomy but maintaining U.S. jurisdiction over external affairs.

1967 - *First Status Plebiscite*

Puerto Rico holds its first referendum on political status, with voters largely favoring the existing commonwealth status over statehood or independence.

1993 - *Second Status Plebiscite*

Another referendum shows continued support for commonwealth status, though with increased interest in statehood.

1998 - *Third Status Plebiscite*

A nonbinding vote results in the majority selecting "none of the above" in protest, reflecting dissatisfaction with the existing options on the ballot.

2012 - *Fourth Status Plebiscite*

For the first time, a majority (54%) votes against the current commonwealth status, with 61% of those choosing statehood on the second question. However, Congress does not act on the results.

2016 - *Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA)*

Congress establishes a federal oversight board with broad control over Puerto Rico's finances to address its debt crisis, highlighting the limits of Puerto Rico's self-governance under its territorial status.

2017 - *Fifth Status Plebiscite*

With low voter turnout (23%), 97% of those who vote choose statehood, though the result is widely questioned due to the boycott by opposition parties.

2020 - *Sixth Status Plebiscite*

Another referendum shows 52.5% support for statehood with a higher voter turnout. However, the result remains nonbinding without Congressional action.

2022 - *H.R. 8393 - Puerto Rico Status Act*

The U.S. House of Representatives passes a bill proposing a plebiscite offering voters statehood, independence, or free association. The bill does not advance in the Senate.

2023 - *Reintroduction of Puerto Rico Status Act (H.R. 2757)*

Similar legislation is reintroduced in Congress, renewing efforts to resolve Puerto Rico's political status with a plebiscite set for 2025, though Congressional approval is required for any binding outcome.

Previous attempts to solve the issue

United States Government

The U.S. government has pursued Puerto Rico's political status through a series of legislative actions and referendums. Congress allowed Puerto Rico's constitution in 1952, establishing it as a "commonwealth," and authorized nonbinding referendums in 1967, 1993, 1998, 2012, 2017, and 2020 to gauge public preference. The most recent effort in Congress was the Puerto Rico Status Act (H.R. 8393), which passed the House in December 2022 but stalled in the Senate. This act proposed a binding referendum allowing Puerto Ricans to choose between statehood, independence, or free association with the U.S. However, as previous initiatives failed to gain full congressional approval, Puerto Rico remains under U.S. territorial status with limited voting rights in federal matters.

United Nations

The UN Special Committee on Decolonization has addressed Puerto Rico's situation since 1972, passing resolutions annually that call for the U.S. to enable Puerto Rican self-determination. For example, General Assembly Resolution 1514 (XV), adopted in 1960, emphasizes the right of all colonies to independence and has been repeatedly cited in resolutions urging U.S. action on Puerto Rico's status. Most recently, Resolution A/AC.109/2023/L.6 reaffirmed Puerto Rico's "inalienable right to self-determination and independence".

NGOs and Advocacy Organizations

Several advocacy groups actively campaign for Puerto Rican rights at both national and international levels. The League of United Latin American Citizens (LULAC) has consistently advocated for statehood and argues that Puerto Rico's lack of federal representation violates democratic rights. Pro-independence organizations, such as the Movimiento Independentista Nacional Hostosiano (MINH) and Jornada Se Acabaron Las Promesas, often participate in UN discussions to highlight the negative impacts of U.S. economic policies and the PROMESA oversight board. These groups argue that the fiscal control board, established under PROMESA in 2016, is a form of economic

colonialism, exacerbating poverty and limiting self-governance by prioritizing debt repayment over social programs.

Possible solutions

When considering possible solutions, Statehood is a viable one. Fans of statehood argue that Puerto Rico should be granted full U.S. state status, ensuring equal voting rights, representation in Congress, and access to federal programs. Statehood would require Congressional approval, which has historically stalled due to political divisions. Proposals for binding referendums, such as those in the Puerto Rico Status Act, could clarify public support and push Congress toward decisive action, especially if accompanied by economic integration policies to smooth the transition.

Enhanced Commonwealth or Free Association is an option to be considered. This option would retain Puerto Rico's connection to the U.S. while expanding autonomy. Enhanced commonwealth status would involve more local control over governance without full statehood responsibilities, while free association could offer near-independence with specific U.S. agreements for defense and financial aid. However, resistance exists within Congress, which may see this as a legally complex compromise. A free association model would require comprehensive agreements on security, trade, and immigration.

Full Independence with Transitional Aid. Independence advocates argue that Puerto Rico should become fully sovereign to exercise complete political and economic control. Full independence would entail transitioning from U.S. economic support, which could initially strain Puerto Rico's economy. A phased approach with U.S. financial aid and bilateral trade agreements could mitigate risks and foster local industry. To support this, resolutions might propose structured economic assistance and international partnerships to strengthen Puerto Rico's economy.

Non-Binding Self-Determination Advisory could also be considered. An advisory plebiscite could provide updated insights into Puerto Ricans' preferred status. Although non-binding, such a vote would offer Congress a clearer understanding of public sentiment, especially if paired with extensive voter education on legal and economic impacts. However, this route doesn't guarantee action, given that past referendums haven't led to change, so it might need commitments from Congress to act based on the results.

UN-Backed International Oversight is another possible solution. Some propose involving the UN Special Committee on Decolonization to oversee a self-determination process, particularly if independence or free association is sought. This would ensure compliance with international law and boost legitimacy, especially for independence advocates. However, the U.S. might oppose external oversight. A resolution could call for the UN's role as a facilitator for open discussions with U.S. authorities, lending credibility to Puerto Rico's decolonization efforts.

Further Readings

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