



League of United Latin American Citizens

Resolution to Demand that the United States Congress act to end 118 years of Territorial Rule over Puerto Rico and Recognize the Will of its People to Become the 51st State of the Union

Whereas, Puerto Rico was ceded by Spain to the United States of America as a result of the Spanish-American War of 1898 and by virtue of the Treaty of Paris it became a U.S. territory subject to the plenary powers of Congress under the Territorial Clause of the United States Constitution, Article IV, §3 (the "Territorial Clause"); and

Whereas, Puerto Rico has remained a territory for 118 years, making it the longest held territory in the history of the United States and the oldest colony of the world; and

Whereas, by virtue of the Jones Act of 1917, Puerto Ricans are U.S. citizens but those who remain residents in the island do not have the right to vote for the President of the United States of America nor the right to voting representation in Congress; and

Whereas, The President issues mandates and enacts laws or veto laws that affect the daily lives of all Puerto Ricans despite the fact that Puerto Ricans cannot vote for the president and vice-president of the United States; and

Whereas, Congress approves and determines the laws that apply to the territory of Puerto Rico that, in turn, directly affects 3 .5 million Puerto Ricans even though they cannot elect senators and congresspersons to represent them and make their laws; and

Whereas, the Supreme Court of the United States decisions are binding, affecting people who reside in Puerto Rico. The American citizens who reside in Puerto Rico do not have the ability to influence members of Congress to enact laws that may or may not ratify or curb judicial decisions or elect presidents who promise to change the direction of the Court by appointing justices of a particular persuasion; and

Whereas, The Constitution guarantees every U.S. citizen a separation of powers between the Legislative, Executive and Judicial branches of government which are chosen or influenced by the voting power of the people which the Constitution is designed to protect; and

Whereas, such power is negated by the colonial status of Puerto Rico and is directly affecting every US citizen residing in Puerto Rico; and

Whereas, On November 6, 2012, a plebiscite was held in Puerto Rico with a 78% turnout of registered voters. The plebiscite contained two questions. First voters were asked to choose between maintaining the island's current territorial status (unincorporated territory/Commonwealth) and changing Puerto Rico's territorial status. On this question only 46% voted to remain a territory while a majority of 54% voted to end the current territorial status and remove the consent of the governed to the current political relationship between the United States of America and Puerto Rico; and

Whereas, a second question in the 2012 plebiscite required voters to choose among three different specific status options, namely between Statehood, Independence, or Sovereign Free Associated State. The statehood option was chosen by an overwhelming 61 % of the voters of Puerto Rico; and

Whereas, The Supreme Court of the United States recently reiterated in *Puerto Rico v. Sanchez Valle*, 136 S. Ct. 1863 (2016), and *Puerto Rico v. Franklin California Tax-Free Trust*, 136 S. Ct. 1938 (2016), that the Commonwealth of Puerto Rico is not a sovereign entity distinct from the United States or a state but a territory subject to the plenary powers of Congress under the Territorial Clause; and

Whereas, Congress enacted the Puerto Rico Oversight Management and Economic Stability Act ("PROMESA") on June 29, 2016, and was signed into Law by President Barack Obama on June 30, 2016; and

Whereas, PROMESA creates a Fiscal Control Board with ample powers to govern the territory of Puerto Rico and is crafted by virtue of the plenary powers of Congress under the Territorial Clause; and

Whereas, all three branches of the Federal Government have unequivocally confirmed by their recent actions the territorial and colonial relation between the United States and the territory of Puerto Rico; and

Whereas, The United Nations Special Committee on Decolonization approved a draft resolution calling on the Government of the United States to assume its responsibility to expedite a process that would allow the people of Puerto Rico to fully exercise their right to self-determination; and

Whereas, The People of Puerto Rico deserve a form of government that provides them with equal rights as any American citizen is entitled in order to participate in a democratic process that is representative at all levels of government, including the right to vote for the President of the United States of America, the right to elect members of Congress, and to participate through its own democratic elected federal officials in the selection of the justices of the Supreme Court; and

Whereas, all local political parties in Puerto Rico have adopted and are in agreement with the fact that the people of Puerto Rico should determine their ultimate political

status from permanent non territorial options that do not conflict with the Constitution, laws and policies of the United States of America; and

Whereas, Puerto Rico cherishes its Hispanic culture and its American citizenship, the 51st state of Puerto Rico will work together with the entire Hispanic community in the United States to advance educational and employment opportunities, fair treatment of immigrants, access to health care and so many other issues that are so important to Hispanic communities nationwide; and

Whereas, the democratic will of the People of Puerto Rico must be addressed and implemented by the Nation whose origins were based in the rejection of colonialism and in the democratic principles of equality and justice for all.

Therefore, be it resolved, that LULAC National supports the demands made by an ample majority of the citizens of the United States of America that live in Puerto Rico to end 118 years of territorial rule and recognize the will of its people to become the 51st State of the United States of America.

Voted and approved at the 2016 National LULAC Convention - July 16, 2016.

Roger C. Rocha, Jr.
LULAC National President