

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-5401**

November 13, 2012

The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

I want to begin by warmly congratulating you on your re-election. You and the administration you lead have done an outstanding job under difficult circumstances at home and abroad, and the election results are evidence that the American people recognize this fact. Moreover, in your first term in office, you have been a champion of fair treatment for the U.S. citizens residing in Puerto Rico and the other territories, particularly in the areas of economic development, health care, and public safety. I look forward with enthusiasm to continuing to work with you over the next four years.

I write to you today about an issue of fundamental importance not only to Puerto Rico but also to the nation as a whole. As you know, on November 6<sup>th</sup>—the same day as the U.S. general elections and Puerto Rico's local elections—Puerto Rico held a political status plebiscite authorized by local law. Although the final results have not yet been certified by the Puerto Rico State Elections Commission, I would like to convey the preliminary results to you,<sup>1</sup> to describe their significance, and to express my hope and expectation that the White House will take appropriate and timely action in light of these results, consistent with the recommendations contained in the March 2011 Report by the President's Task Force on Puerto Rico's Status, a body whose mandate you renewed—and expanded—through Executive Order 13517 (October 30, 2009). I know this letter will be the first of many communications between my congressional office and your administration on this topic.

The plebiscite ballot consisted of two questions. On the first question, voters were asked whether they want Puerto Rico to remain a U.S. territory, the status the Island has had since 1898. Over 1.74 million people responded to this question. That is approximately 75 percent of all registered voters in Puerto Rico, a level of participation that is substantially higher than the national turnout for the U.S. general elections on the same day. More than 943,000 voters—54.0

---

<sup>1</sup> As of this writing, ballots from 1,615 of Puerto Rico's 1,643 electoral units—98.3 percent—have been tabulated.

percent—said they did not want the current territory status to continue, while 803,400 voters—46.0 percent—said they did want it to continue.

On the second question, voters were asked to express their preference among the three alternatives to the current territory status that are legally and politically viable according to the federal government and international law: statehood, nationhood in free association with the United States, and independence. Over 1.32 million people chose an option. 61.13 percent—nearly 810,000 people—voted for statehood; 33.33 percent—about 442,000 people—voted for Puerto Rico to become a freely associated state; and 5.54 percent—about 73,000 people—voted for independence. In addition, some 472,000 voters did not provide an answer, a point addressed below.

As evident from the hundreds of news reports that have appeared in the national and international press in the wake of this plebiscite, the vote was historic in several respects.

This was the first time voters were directly asked whether they want Puerto Rico to continue as a territory. One of the two main political parties in Puerto Rico, the Popular Democratic Party, strongly urged a “Yes” vote. Nevertheless, the “No” vote against the current territory status won by an eight-point margin, 54 percent to 46 percent. Those voting “No” included statehood supporters, as well as advocates of free association and independence.

There is no reasonable way to interpret these results as anything other than a decisive rejection of the current territory status. This status deprives the U.S. citizens in Puerto Rico of the two most basic democratic rights: the right to choose the leaders who enact and execute their national laws, and the right to equal treatment under those laws. This vote fundamentally alters the terms of the status debate in Puerto Rico, which has seemingly been stuck in neutral for years. In my view, after this vote, the question is not whether, but when, Puerto Rico will cease to be a territory and will instead have a political status—either statehood or nationhood—that provides its people with full democratic rights and full equality under the law. In short: it is clear that a solid majority of my constituents want to close the long territory chapter in Puerto Rico’s political life, and to begin a fresh new chapter.

The result of the second question, which asked voters which status should replace the current territory status, is also of great import. As noted, of the 1.32 million people who voted for one of the three viable alternatives to the current status, a supermajority of over 61 percent chose statehood. It is critical to note that the number of votes cast in favor of statehood on the second question—nearly 810,000—is also greater than the number of votes—803,400—cast in favor of the current status on the first question. For the first time ever, there are now more people in Puerto Rico who want to become a state than who want to continue as a territory. This fact further undermines the democratic legitimacy of the current status.

Naturally, some are seeking to downplay the historic nature of this plebiscite by citing the voters who left the second question blank at the urging of some leaders in the Popular Democratic Party. This argument may have some superficial appeal, but it does not withstand scrutiny.

First and foremost, in our democracy, it is well-settled that outcomes are determined by ballots properly cast. Power rests with the citizen who votes, not the one who stays home or refuses to choose from among the options provided.

Moreover, this was the first status vote in Puerto Rico's history to include only the valid status options. True self-determination is a choice among options that can actually be implemented, not an exercise in wishful thinking. Because all viable status options were on the ballot, not voting was an empty act.

Logically, some voters may have left the second question blank simply because they prefer the current status to any of the three possible alternatives. Those voters were able to—and did in fact—vote for the current status in the first question, so their viewpoint was fully reflected in the plebiscite results. Other voters may have declined to answer the second question because they were led to believe there was another status option that should have been on the ballot—namely, a proposal sometimes called “Enhanced Commonwealth.” But each of the last four presidential administrations, including your administration, has considered and rejected this proposal as a valid status option,<sup>2</sup> as have all key congressional leaders who have examined the proposal.<sup>3</sup> A blank vote to protest the exclusion of an impossible status proposal is entitled to no weight.

To summarize: a majority of voters in Puerto Rico have soundly rejected the current status in favor of a new status. Among the three viable alternatives, statehood won a decisive victory. And, in an historical first, statehood obtained more votes than the current status (or any other status option).

---

<sup>2</sup> See, e.g., March 2011 Report by the President's Task Force on Puerto Rico's Status, pg. 26 (“[C]onsistent with the legal conclusions reached by prior Task Force reports, one aspect of some proposals for enhanced Commonwealth remains constitutionally problematic—proposals that would establish a relationship between Puerto Rico and the Federal Government that could not be altered except by mutual consent. This was a focus of past Task Force reports. The Obama Administration has taken a fresh look at the issue of such mutual consent provisions, and it has concluded that such provisions would not be enforceable because a future Congress could choose to alter that relationship unilaterally.”)

<sup>3</sup> See, e.g., December 1, 2010 Letter from Chairman Jeff Bingaman and Ranking Republican Member Lisa Murkowski, Senate Committee on Energy and Natural Resources, to President Barack Obama (endorsing the view that the “Enhanced Commonwealth” proposal is “incompatible with the Constitution and basic laws of the United States in several respects”); see also House Report 111-294, accompanying H.R. 2499 in the 111<sup>th</sup> Congress (“Proposals for such a governing arrangement have been consistently opposed by federal authorities in the executive and legislative branches, including this Committee, on both constitutional and policy grounds. Nevertheless, this hybrid proposal continues to be promoted in Puerto Rico as a feasible status option. Such proposals have resulted in misinformed and inconclusive referenda in Puerto Rico in July 1967, November 1993, and December 1998.”)

\*

\*

\*

In light of these results, I believe that the White House has a clear basis, and a clear responsibility, to act. I further believe that the precise steps to be taken ought to be guided and informed by the recommendations in the March 2011 Task Force Report and the public statement you delivered during your historic visit to Puerto Rico on June 14, 2011.

The first recommendation in the Task Force Report notes that the government of Puerto Rico had plans to hold a plebiscite under local law. The Task Force states: “Without taking a position on the particular details of this proposal, the Task Force recommends that the President and Congress support any fair, transparent, and swift effort that is consistent with and reflects the will of the people of Puerto Rico. If the process produces a clear result, Congress should act on it quickly with the President’s support.” See Page 23.

In its second recommendation, the Task Force says that four status options should be included in the plebiscite: “Statehood, Independence, Free Association, and Commonwealth.” See Page 24. The Task Force then explicitly states: “Under the Commonwealth option, Puerto Rico would remain, as it is today, subject to the Territory Clause of the U.S. Constitution.” See Page 26.

In its third recommendation, the Task Force discusses a number of possible ways to structure the plebiscite process, while confirming that it “supports any fair method for determining the will of the people of Puerto Rico.” See Page 26.

And in its seventh and final recommendation, the Task Force states that, “[i]f efforts on the Island do not provide a clear result in the short term, the President should support, and Congress should enact” federal legislation that “specifies in advance for the people of Puerto Rico a set of acceptable status options that the United States is politically committed to fulfilling.” The Task Force recommends that “the Administration develop, draft, and work with Congress to enact the proposed legislation.” See Page 30.

Several months after the release of the Task Force Report, you traveled to Puerto Rico and delivered a speech where you stated as follows: “[A] report from our presidential task force on Puerto Rican status provided a meaningful way forward on this question so that the residents of the island can determine their own future. And when the people of Puerto Rico make a clear decision, my administration will stand by you.”

I am the first to recognize and respect that you face many important domestic and foreign policy challenges as you begin your second term in office. However, in light of these historic plebiscite results and the commitments embodied in the Task Force Report, I believe that the White House must devote the necessary time, resources and—above all—leadership to help resolve the question of Puerto Rico’s political status. There are a number of possible steps that the White House can take to fulfill its responsibility in this regard, and I look forward to discussing the alternatives with senior administration officials and congressional leaders in the coming days. In

the final analysis, the people of Puerto Rico have spoken and, as their official representative in Washington, I intend to do everything within my power to ensure that the federal government responds in an appropriate and timely fashion.

Congratulations again.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Pierluisi".

Pedro R. Pierluisi  
Member of Congress

cc: Hon. David Agnew, Co-Chair, The President's Task Force on Puerto Rico's Status  
Hon. Tony West, Co-Chair, The President's Task Force on Puerto Rico's Status  
Hon. Cecilia Muñoz, Director, White House Domestic Policy Council  
The Hon. Luis Fortuño, Governor of Puerto Rico  
The Hon. Alejandro García Padilla, Governor-elect of Puerto Rico