

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 30, 2020

The Honorable Jeffrey A. Rosen
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Deputy Attorney General Rosen:

I have received a copy of your letter dated July 29, 2020¹ to the Chairman of the Puerto Rico State Elections Commission (PRSEC). I am deeply concerned by the U.S. Department of Justice's (DOJ's) contentions that the residents of the island did not directly reject the Commonwealth of Puerto Rico's current territory status in a local plebiscite held in 2012.²

The argument that Puerto Rico did not reject its current territory status in 2012 conflates the plebiscite's two separate questions. The first question asked voters "Do you agree that Puerto Rico should continue to have its present form of territorial status?"³ According to results certified by PRSEC, approximately 78.2% of eligible voters answered this question and 54.0% chose "No".⁴ There is no serious debate about the results of the first question.

The second question asked voters to choose between statehood, independence, and a sovereign free associated state, regardless of their selection in the first question.⁵ According to results certified by PRSEC, approximately 61.2% chose statehood, 33.3% chose sovereign free associated state, and 5.5% chose independence.⁶ However, some people debate the results of the second question. "Debate focused on whether almost 500,000 blank answers on the second question should be included in the total, thereby affecting whether any alternative received a majority."⁷

¹ Letter from the U.S. Department of Justice to the Puerto Rico State Elections Commission (July 29, 2020), Re: Request of Federal Funds for Puerto Rico Plebiscite.

² *Id.* at 3.

³ *Official Ballot Sample*, Puerto Rico State Elections Commission, <https://ww2.ceepur.org/sites/ComisionEE/es-pr/Documents/PapeletaModeloPlebiscito12.pdf>.

⁴ *General Elections 2012 and Plebiscite on Puerto Rico Political Status*, Puerto Rico State Elections Commission (Dec. 29, 2012), http://168.62.166.179/eg2012/REYDI_Escrutinio/index.html#es/default/CONDICION_POLITICA_TERRITORIAL_ACTUAL_ISLA.xml

⁵ *Official Ballot Sample*, Puerto Rico State Elections Commission, <https://ww2.ceepur.org/sites/ComisionEE/es-pr/Documents/PapeletaModeloPlebiscito12.pdf>.

⁶ *General Elections 2012 and Plebiscite on Puerto Rico Political Status*, Puerto Rico State Elections Commission (Dec. 29, 2012), http://168.62.166.179/eg2012/REYDI_Escrutinio/index.html#es/default/OPCIONES_NO_TERRITORIALES_ISLA.xml.

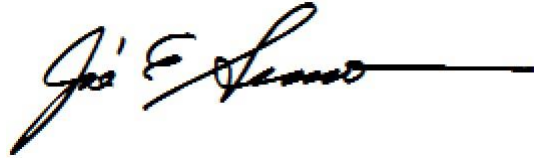
⁷ R. Sam Garrett, Cong. Research Serv., R44721, Political Status of Puerto Rico 9 (2017), <https://fas.org/spp/crs/row/R44721.pdf>.

Therefore, it is disingenuous of DOJ to write that in 2012 the residents of Puerto Rico did not reject the island's current territory status, as demonstrated by the results of the first question. The Executive Branch, Congress, and Puerto Rico's elected government officials must work together to resolve the island's political status, and that process requires accurately describing and acknowledging the aspirations of the residents of Puerto Rico.

Sincerely,



RAÚL M. GRIJALVA
Chair
Committee on Natural Resources



JOSÉ E. SERRANO
Member of Congress



DARREN SOTO
Member of Congress



MATT CARTWRIGHT
Member of Congress



JARED HUFFMAN
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RUBEN GALLEGO
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MICHAEL F. Q. SAN NICOLAS
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DEBBIE MUCARSEL-POWELL
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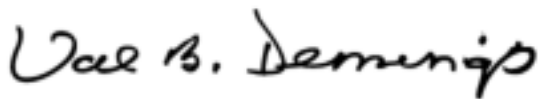
TONY CARDENAS
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VAL B. DEMINGS
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