

Questions from Rep. Sablan for Prof. Andrés L. Córdova, Professor of Property Law, Inter American University of Puerto Rico

1. The people of Puerto Rico have, as recently as last November, voted in favor of statehood. The results of that vote, however, were 52.5% in favor and turnout was 54.7% of eligible voters. How do you respond to people who say that those election results may indicate that Puerto Rican voters are not supportive enough for something as irreversible as statehood?

The central characteristic of a representative democracy is the electoral participation of its citizens in the decision making process. There will always be differences of opinion in a society. The electoral process is precisely the manner in which we solve our differences without recurring to the use of force. There has never been a legal requirement in the history of the United States that in order for a territory be admitted as a state there has to be a given percentage of electoral approval. That is not the way democracy works. The votes that count are the ones that are cast, and the majority prevails. This is precisely what occurred in the November, 2020 election.

If in Congress has concerns as to the validity of previous plebiscites, all it needs to do is to exercise its constitutional authority and legislate a federal mandated referendum or plebiscite. HR 1522 does this. What should not happen is for Congress to argue that the previous plebiscites were not valid and therefore no do anything about it, using the pretext that Congress will act when Puerto Ricans come to an agreement.