SOME THOUGHTS ON THE (CONSTITUTIONAL) ASSEMBLY ON STATUS

ARTICLE

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The last few months have brought a sustained discussion on the matter of a proposed (Constitutional) Assembly on Status for Puerto Rico. If there is one thing clear at this stage of the public discussion it is that it is not clear at all exactly what are its advantages and disadvantages. I would like to share some thoughts on this issue in the hope that it sheds some light on the discussion so that we may make an informed judgment. For purposes of my brief presentation I will assume that my audience is familiar with the main arguments – in favor and against – regarding the various status options for Puerto Rico. I doubt that there are many people in Puerto Rico who do not have a deeply held position on the status issue. We humans have an inordinate capacity of convincing ourselves on the correction of our opinions, until we hold another one. I do believe, however, that we do need to be less dogmatic, more critical, of all pronouncements, including this one, on how best to proceed to settle our political status question.

As to the proposed (Constitutional) Assembly on Status, I think we need to make a couple preliminary remarks as to the relation between politics and law, always a source of misunderstanding and controversy. All legal questions, especially constitutional questions, raise fundamental political issues. That is, political in the broadest sense possible. We are after all, as Aristotle correctly observed, political animals. This is not necessarily a bad thing, as it forces us to place all legal controversies within a larger context. Of course, the other side of this intuition is that the law can be understood as primarily an instrument which favors those groups or classes that control the political process that declares what the law says. In the end, it would seem that law may be directed to serve, not a general understanding of justice, but particular

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interests, undermining the same rule of law it aims to establish. The Constitution – as the supreme law of the land – is not immune to this erosive current. There are endless examples in our history where legal/constitutional controversies have been adjudicated –either judicially or politically – with serious consequences to our society. Given this difficult and accidental relationship between law and politics, and to avoid the pitfall of partisanship, it is my belief that those of us that work in the legal field – be it in academia, the judicial system or in private practice – need to be mindful of our responsibility towards the rule of law as a corrective principle to the passions of politics. Of course, easier said than done.

This been said, let us tackle the proposed (Constitutional) Assembly on Status from the perspective of legal theory. There seems to be a general agreement between competing political sectors that the current political status of Puerto Rico – be it defined as Territory under the Territorial Clause of the U.S. Constitution, as a Commonwealth (in the nature of a compact), or as a colony under international law – needs to be addressed and resolved, although there are substantial differences between them on how this can best be achieved.

Since 1952 there have been several attempts to address the status question: the Fernos- Murray project, the 1967 referendum, the ad-hoc status committee of 1972, the United States Senate hearings of 1989-91, the 1993 and 1998 local referendums, the 1997 Young Bill, the Bush White House Report of 2006, the Obama White House Report of 2011 and, finally, the recent November 6, 2012 referendum. This most recent referendum is of particular importance because it is the first time the electorate clearly repudiated the current existing status. Although of limited legal value – in the end, the results are not self-enacting nor enforceable upon Congress – it is clear to all observers that the political consequences have been significant.

In the last 14 months since the referendum, the Obama White House has expressed that the results are clear –notwithstanding the red herring of the blank votes-, Commissioner Pedro Pierluisi has submitted H.R. 2000 which aims to have a federally mandated plebiscite on statehood, the August 2013 hearings at the Energy and Natural Resources Committee under chairman Senator Wyden and his declarations on the constitutional difficulties of an "enhanced Commonwealth", and most recently the 2.5 million dollar budget assignment for a federally mandated plebiscite under the jurisdiction of the Department of Justice, which was recently signed into law.[1] Of course, it is possible that all these initiatives come to naught. This is the nature of any legislative process. What does draw my attention in these most

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[1] El 13 de enero de 2014 se aprobó por el Congreso de los Estados Unidos el *Consolidated Appropiations Act,* 2014 el cual asigna $2,500,000.00, "for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico's future political status, which shall be provided to the State elections Commission of Puerto Rico". Véase Title I, Department of Justice, Office of Justice Programs, 137. Esta asignación presupuestaria esta condicionada a que la papeleta plebiscitaria aprobada por el Secretario de Justicia de los Estados Unidos sea cónsona con la Constitución de los Estados Unidos, sus y política pública. *Véase* H. Rep. 113-171, el cual incluye

recent developments is the change in mood and tone coming out from Washington on the issue of the status of Puerto Rico. It is becoming apparent that certain powerful voices have concluded that in light of a quickly changing political landscape our current political arrangement may no longer be viable for the United States. This appears to be the most important consequences of the November 6, 2012 referendum.

It is in this context that the recent surge on the proposed (Constitutional) Assembly on Status must be understood. The *Colegio de Abogados de Puerto Rico* has been promoting a (Constitutional) Assembly on Status since 2001 as the best procedural mechanism to attend the status question. The Independence Party (PIP) has long endorsed this mechanism, and presented in August, 2013 its proposed legislation in the Senate and in the House (P. del S. 719 y P. de la C. 1385). In the 2012 election, the Popular Democratic Party (PPD) included in its party platform that if the Obama White House did not act on the status question by 2014, it would convene a Constitutional Assembly to address the issue. In August, 2013 the PPD assembly ratified the party platform. The free association faction within the PPD has not hesitated to promote legislation for such purposes, and several proposals are currently pending[2] before the Legislature (P. de la C. 1334 and P. del S. 693). In attention to these initiatives a Joint Resolution was approved by both chambers to create a Joint Commission on the Status to attend the issue. Of course, we are all aware of the political jockeying that these proposed measures reflect, either within the PPD or among the various political parties and factions. It would appear that within the PPD and PIP there are some serious concerns as to what the future holds on the status issue that require preemptive action.

In my reading, all current legislative proposals regarding the (Constitutional) Assembly on Status have in common that they pretend to create and vest in a deliberative body – whose delegates would be elected in a special election[3] – the

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estas condiciones y que se adoptó por referencia en el H.R. 3547, pág. 57. Nótese que el lenguaje del estatuto hace referencia a un plebiscito como el mecanismo para atender el problema del status político.

[2] En el Proyecto del Senado 719, 2da. Sesión Ordinaria (3 de septiembre de 2013) y el Proyecto de la Cámara 1385, 2da. Sesión Ordinaria (11 de septiembre de 2013) véase el artículo 3(d) y 3(e) sobre el comité negociador compuesto por delegados de las tres alternativas de estatus, y su facultad de transmitir al Congreso y al Gobierno de Estados Unidos las tres alternativas de status adoptadas por las comisiones. A lo cual me pregunto, si ya sabemos de antemano cuáles son las tres alternativas de estatus, ¿por qué hace falta una asamblea de estatus para dilucidarlas? El Proyecto de la Cámara 1334, 2da. Sesión Ordinaria (21 de agosto de 2013) y el Proyecto del Senado 693, 2da. Sesión Ordinaria (20 de agosto de 2013) no contemplan una comisión de negociación.

[3] En el P. del S. 719 y el P. de la C. 1385 véase el artículo 4 sobre los requisitos de lo candidatos a delegados; el artículo 5 sobre la representación de una alternativa de estatus si un partido político no participa; el artículo 6 sobre la composición de la asamblea de estatus y la elección de delegados; el artículo 7 sobre el procedimiento para cubrir las vacantes de delegados en caso de no aceptación del cargo, renuncia, muerte o incapacidad permanente; el artículo 8 sobre la papeleta y la forma de votación.

En el P. de la C. 1334 y el P. del S. 693 véase el artículo 4 sobre composición de la asamblea constitucional de estatus; el artículo 5 sobre requisitos de los delegados; el artículo 7 sobre la papeleta de votación.

authority to legislate the various status options; which in turn would designate a negotiating team which will include spokespersons of all the non-territorial and non-colonial status options;[4] which in turn will then present the alternatives to the Congress of the United States with the non-territorial and non-colonial status options; which in turn will somehow force Congress to legislate a federally mandated plebiscite. My immediate reaction to this byzantine process is why not favor H.R. 2000, with amendments if necessary, or any other federally sponsored bill, which would get us to the same point quicker and cheaper. I have yet to receive a satisfactory answer to this question.

It is upon reflection that I realize that the end of the (Constitutional) Assembly on Status is not to obtain a federally mandated plebiscite on the status question, but rather to create a deliberating, legislative body which presumes to be the juridical incarnation of the People of Puerto Rico, as a collective, sovereign rousseaunian will not beholden to the Constitution of the Commonwealth of Puerto Rico, to Public Law 600, to the Federal Relations Act, or the Constitution of the United States. In this context it is worth pointing out how various longtime proponents of this mechanism have begun to drop the term "constitutional" from their discourse in order to avoid what they catalogue as "semantic" distractions.

All pending (Constitutional) Assembly on Status proposals take as there point of departure the proclaimed unalienable natural right of self-determination of a given people.[5] Invariably, their legal justification rests on various international treaties which recognize such a right, and which by virtue of their ratification by the United States are part of its statutory law.[6] Of course, the mere invocation of a right, does not automatically mean that it is correctly understood or applied, or that there are other ways in which said right can be exercised. Allow me to unpack this fundamental premise.

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[4] Las propuestas presentadas no contemplan un referéndum posterior para ratificar las determinaciones de la Asamblea de Estatus.

[5] En el P. del S. 719 y el P. de la C. 1385, por ejemplo, comienza su exposición de motivos señalando que "[e]l Pueblo de Puerto Rico tiene el derecho de autodeterminación para escoger libremente su sistema de gobierno y establecer las relaciones que interesa mantener con otros países.[. . .]". (Elipsis nuestro).

El P. de la C. 1334 y el P. del S. 693 , a su vez, inician su exposición de motivos señalando que "[e]l derecho de los pueblos a escoger libremente su sistema de gobierno y destino político con relación a los demás países es un derecho natural inalienable[…]." (Elipsis nuestro).

[6] En el P. del S. 719 y el P. de la C. 1385, en su exposición de motivos se invoca el Pacto Internacional de Derechos Humanos Civiles y Políticos, ratificado por los Estados Unidos.

El P. de la C. 1334 y el P. del S. 693, a su vez, invocan la Resolución 748 (VIII) de noviembre de 1953 de la Asamblea General de la Organización de las Naciones Unidas la cual según esta teoría avaló la reserva de derechos del pueblo de Puerto Rico de proponer y aceptar modificaciones a los términos de sus relaciones con los Estados Unidos, conforme la Resolución Núm. 23 de la Convención Constituyente. Dejando a un lado la discusión sobre si en efecto esta Resolución tiene el alcance que alegan que tiene, hay que notar que quien hace la reserva es la propia Convención Constituyente, investida con la representatividad del Pueblo de Puerto Rico para articular una Constitución, no una Asamblea Legislativa ordinaria sujeta a sus disposiciones.

First, natural law. Since antiquity, different authors have been invoking natural law as a philosophical foundation for our normative behavior. For Aristotle, for example, natural law is derived from our experience of the apparent order of nature. For Thomas Aquinas, natural law was a derivative of divine law. For modern natural law theorists (Fuller, Dworkin, Moore) some sort of procedural neo-Platonism seems to be there foundation. Although this is not the time or place to discuss the philosophical underpinnings of natural rights, I would expect that those that invoke them as their legal foundation be aware of the difficulties of this position. The mere invocation of natural rights as a foundation is not in of itself sufficient. It is – from a strictly gnoseological perspective – a metaphysical claim. As I personally do not share this particular metaphysical bent I find the recourse to natural rights to be philosophically unwarranted and legally suspect. In any and all cases, rights are fundamentally historical. A people's right to self-determination, as any other right, is predicated on a historical recognition born out of social struggles, practices and conventions. In this sense, to invoke natural law as the foundation for the right of self determination seems to claim some kind of special access to the truth which is beyond rational discourse.

Second, "unalienable rights". This expression recalls Thomas Jefferson's felicitous paraphrasing of John Locke in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness [. . .]". As political poetry this is fine as far as it goes, but we do need to remind ourselves that rights are, as a matter of law, alienable, both individually and collectively. All of us exercise are individual right to self determination every day. Nothing but are personal circumstances and free will limit our actions under law. As a collective body, Puerto Rico has exercised its right to self determination in every electoral event since the approval of the 1952 Constitution and subsequent general elections, albeit incompletely and inconclusively. This is precisely the importance of the November 6, 2012 referendum, which removed the consent of the governed to the existing territorial status. It is only from the heights of the worst kind of legal conceptualism that one can argue that as a matter of political reality the People of Puerto Rico have not exercised their right to self determination. It is worth recalling that within the context of American History – as opposed to international post World War II, postcolonial history and the Cold War – to insist on our unalienable right to self-determination has the strong odor of the theory of nullification proposed initially by Thomas Jefferson, later by John Calhoun and the 19th century Southern Secessionist.

Third, "the People". This term is fraught with ambiguity and is the source of great confusion. I think it is important to understand that "the People" is primordially a political category, thought out for purposes of justifying our contractual theory of government, derived from Hobbes. Locke, Hume, *et al.* In a representative democratic republic, so the theory goes, the People are sovereign, and all political

power derives from them. In an exercise of said sovereignty, the people come together – be it out of fear (Hobbes) or illustrated self interest (Locke) – and through their delegated representatives, articulate a Constitution which governs and legally binds the political structures of government. Of course, the problem with this narrative is that the People is a legal fiction – in the best sense of the word –, corporativist in nature, and distinct of all the citizens that claim to pertain to it. I use myself as an example: I am puertorrican, I am a member of the Osage Nation and an American Citizen. I clearly pertain to three legally distinct Peoples. Where exactly does my sovereignty reside? In none of them, of course. As a political category it is worth remembering that "the People" does not aim to explain social and historical reality, but to legitimize the State.

As a matter of law, the People of Puerto Rico as a distinct political body, was created by section 7 of the Foraker Act (1900,) implicitly ratified by the Jones Act (1917), the Federal Relations Act (1950), and expressly ratified by Public Law 600, which authorizes the People of Puerto Rico to organize and adopt Constitution to govern themselves. We tend to forget that our 1952 Constitution of the Commonwealth of Puerto Rico is a creature of federal law, and that it is precisely this federal statutory source which puts into question the political legitimacy of our current status. For all of its structural limitations, the powers vested by the People of Puerto Rico in the 1952 Constitution, creates a republican form of government for purposes of local self-government, with three distinct branches of government.

With regards to the Legislature, Article III, Section 1, of the 1952 Constitution clearly sets forth that the legislative power will be exercised by the Legislative Assembly, which will be composed of two chambers, whose members will be elected by direct vote in each general election. Here is where the legal inadequacy of the proposed (Constitutional) Assembly on Status begins. All pending legislative proposals state that the sovereignty of the people of Puerto Rico will be deposited in the (Constitutional) Assembly, and in the case of the PIP's proposal the assembly will not be bound by the authority of the Commonwealth of Puerto Rico.[7]

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[7] El artículo 2(b) del P. del S. 719 y del P de la C. 1385 reza: "La Asamblea de Estatus tendrá plena capacidad para representar al pueblo de Puerto Rico y sus facultades no estarán sujetas a la autoridad de los poderes constituidos del Estado Libre Asociado de Puerto Rico. Por el contrario, dichos poderes constituidos vendrán obligados a viabilizar los trabajos de la Asamblea de Estatus que elegirá el pueblo mediante el ejercicio del voto".

El artículo 2 del P. de la C. 1334 y el P. del S. 693 reza: "(1) La Asamblea Constitucional de Estatus convocada de conformidad con esta ley, será depositaria de la soberanía del pueblo de Puerto Rico y representa el mandato del pueblo de Puerto Rico para revisar sus relaciones políticas con Estados Unidos de América. (2) Esta Asamblea Constitucional de Estatus se constituirá al amparo de la propia personalidad, capacidad deliberativa y de negociación del pueblo puertorriqueño. Luego de deliberar, formulará sus propuestas para la aprobación del Pueblo y según el caso, al organismo competente del gobierno de Estados Unidos de América. ¶La Asamblea Constitucional de Estatus así electa, constituida e investida de capacidad jurídica suficiente, sesionará independientemente del término de gobierno del Estado Libre Asociado de Puerto Rico y de la administración que esté vigente durante sus deliberaciones y negociación". Este último precepto ya de por si supone una enmienda el Artículo III

Isn't our existing Legislative Assembly the vested constitutional authority authorized to legislate and represent the People of Puerto Rico? How can an ordinary law create a deliberative body which could also claim to represents the People of Puerto Rico not be subject to the body which already represents it by constitutional mandate?

There is a latin maxim which states that *delegata potestas non potest delegari*. That is, delegated power cannot itself be delegated.[8] As a matter of law, and as a result of the growth and expansion of the Federal Government during the New Deal era, the Supreme Court of the United States, and later the Supreme Court of Puerto Rico, has expounded on this principle in matters of Administrative Law. It is settled in Administrative Law that Congress can legislate in a broad manner and delegate to the Executive Branch the authority to promulgate rules and regulation that govern the administrative process, subject of course to legislative oversight and judicial review.[9]The fundamental constitutional argument in favor of such delegation, is

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§ 10, de la Constitución de 1952 que regula las sesiones ordinarias y extraordinarias de la Asamblea Legislativa.

En sus respectivos Artículos 3(1), dispone: "Toda propuesta que emane de dicha Asamblea Constitucional de Estatus conllevará proponer la derogación de la actual Ley de Relaciones Federales con Puerto Rico y garantizará que, en sus relaciones políticas futuras, Puerto Rico quede fuera de la autoridad del Congreso de los Estados Unidos de América sobre sus territorios, según la Cláusula Territorial de la Constitución de Estados Unidos de América, Sección 3, Artículo IV." Cómo exactamente esta asamblea va a garantizar la salida de Puerto Rico de la Cláusula Territorial de la Constitución de los Estados Unidos, seamos generosos, no está del todo claro.

[8] Con referencia a una temprana discusión sobre la indelegabilidad de las facultades legislativas decía John Locke: "[T]he legislative cannot transfer the power of making laws to any other hands: for it being but a delegated power from the people, they who have it cannot pass it over to others. The people alone can appoint the form of the common-wealth, which is by constituting the legislative, and appointing in whose hands that shall be. And when the people have said, We will submit to rules, and be governed by laws made by such men, and in such forms, no body else can say other men shall make laws for them; nor can the people be bound by any laws, but such as are enacted by those whom they have chosen, and authorized to make laws for them. The power of the legislative, being derived from the people by a positive voluntary grant and institution, can be no other than what that positive grant conveyed, which being only to make laws, and not to make legislators, the legislative can have no power to transfer their authority of making laws, and place it in other hands. *Second Treatise on Civil Government,* Cap. XI, § 141 (1690).

[9] Sobre la facultad de delegación de facultades cuasi legislativas a las agencias administrativas en *Buttfield v. Stanaham*, 192 U.S. 470 (1904), se permitió la misma en tanto la legislatura estableciera suficientes normas y guías para delimitar el ámbito de autoridad de la agencia. Véase también J.*W. Hampton Jr. & Co. v. United States*, 276 U.S. 394 (1928), el cual articuló la doctrina de "principio inteligible". Durante los primeros años de la Gran Depresión y el Nuevo Trato en la década de los 1930, el Tribunal Supremo de los Estados Unidos declaró inconstitucional la creación del *National Industrial Recovery Act* por suponer, a juicio del Tribunal Supremo una delegación impermisible de la facultad legislativa concedida por la Constitución. *Véase Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935); *Schechter Poultry Corp. v. United States,* 295 U.S. 495 (1935). Con posterioridad, el Tribunal Supremo modificó su postura en *Yakus v. United States*, 321 U.S. 414 (1944) y reconoció la validez de la delegación de poderes por existir normas y guías adecuadas. Esta doctrina ha continuado

that it is delegating the implementation of a law whose rational parameters have been previously legislated.[10] But such is not the case here. The sole purpose of a Constitutional Assembly on Status would be to deliberate and legislate on the various status options,[11] which would then be submitted to a referendum to the general electorate, and then be presented to the United States Congress. In any case, isn't that the role our already sitting Legislative Assembly should be playing? Why the need to create a second deliberative body which would be clearly subject judicial challenge? Of course, any deliberative body created by legislation would be, in the end, subject to the legislative authority that created it. There is no way of getting around this mark of Cain.

Of course, the political explanation to this legal deck of cards is the attempt to avoid the limitations placed by Article VII of the Constitution. Article VII of the 1952 Constitution sets forth two procedural mechanisms to amend the Constitution. First, Section 1, allows for a constitutional amendment through a concurrent resolution with no less than 2/3 of the votes of the members of each chamber, and then subject to a special referendum. Second, Section 2 allows for a constitutional convention through a concurrent resolution with no less than 2/3 of the votes of the members of each chamber, and then subject to a special referendum at the time of the general election. Section 3 specifies that all proposed amendments will not be able to alter the republican form of government, and must be compatible with the United Sates Congressional resolution authorizing the Commonwealth Constitution, the Federal Relations Act (1950), and Public Law 600.[12]

Note that any proposed amendment of the Constitution requires at least 2/3 of the votes of the members of each chamber and then consulted via referendum to

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vigente al día de hoy, no obstante algunos intentos de revivir la doctrina de no delegación. Sobre la reafirmación del principio de delegación de poderes a las agencias administrativas véase *Mistretta v. United States*, 488 U.S. 361 (1989). Sobre los intentos de revivir la doctrina de no delegación véase *Bowsher v. Synar*, 470 U.S. 714 (1986). En la jurisdicción del Estado Libre Asociado de Puerto Rico y la constitucionalidad de la delegación de poderes véase *Luce & Co. v. Junta de Salarios Mínimo* 62 D.P.R. 452 (1944); *Hilton Hotels International Inc. v. Junta de Salario Mínimo*, 74 D.P.R. 670 (1953); *López Salas v. Junta de Planificación*, 40 D.P.R. 646 (1958), entre otros. *Véase además* Demetrio Fernández Quiñones, *Derecho Administrativo y Ley Uniforme de Procedimientos Administrativos* 59-115 (Forum 1993).

[10] La norma jurisprudencial referente a la delegación de poderes en el campo administrativo es que se presume su validez constitucional, la delegación debe proveer guías adecuadas y suficientes que limiten el uso del poder delegado, la discreción delegada a la agencia administrativa no es ilimitada, aún cuando puede contener poderes amplios y generales. Véase *Luce & Co. v. Junta de Salarios Mínimo Hilton Hotels International Inc.,* 62 D.P.R. 452 (1944); *v. Junta de Salario Mínimo*, supra; *López Salas v. Junta de Planificación*, 40 D.P.R. 646 (1958), *Marketing and Brokerage Specialists, Inc. v. Departamento de Agricultura*, 118 D.P.R. 319 (1987).

[11] *Id*.; Artículo 2(2) de los P. de la C. 1334 y el P. del S. 693.

[12] En este sentido, la propuesta de dejar sin efecto la *Ley de Relaciones Federales* contenida en el artículo 3(1) del P. de la C. 1334 y el P. del S. 693 ya de por si esta reñida con el Artículo VII de la Constitución de 1952.

the electors, and in the case the proposed referendum coincides with a general election, ¾ votes of the members of each chamber is required. It is apparent that the PPD does not have the votes in the Legislative Assembly to approve any proposed amendments to the Constitution. It is precisely because the proponents of a (Constitutional) Assembly on Status do not have the minimum 2/3 votes required to amend the Constitution, that they argue that their proposed assembly does not aim to amend the 1952 Constitution, reason for which they do not need to meet the requirements of Article VII. This argument is plausible as far as it goes, which is not too far. The creation of an additional deliberative, legislative body – for whatever reason – implies an amendment of the political structure authorized in the Constitution, and as such would constitute an improper delegation of constitutional authority. After all, it is not an administrative agency that is being proposed. Some, particularly the PIP, have begun dropping the term "constitutional" from their proposal in order to distance themselves from Article VII. I think it is fair to say that there legal arguments are not driven by law but by a perceived ideological need to create a political Trojan Horse which is not subject to the Constitution of the United States nor the Constitution of Puerto Rico.

In conclusion, from a legal perspective the proposed (Constitutional) Assembly on Status, or the People's Assembly on Status as the PIP know prefers, is a faulty procedural mechanism to attend our political status question. In my view the all pending proposals are unconstitutional as they presuppose the creation of a deliberative, legislative body other than the Legislative Assembly, and as such implies an amendment to the existing Constitution, which would require that the procedures set forth in Article VII be followed. Besides, from a political perspective it appears to be a tactical maneuver intent on outflanking existing proposals in the United States Congress and setting the stage for a political body unencumbered by existing law. Given the current array and disarray of the electoral forces in Puerto Rico, and the clear opposition of the New Progressive Party (PNP) to the proposed (Constitutional) Assembly on Status, it behooves us as to how an assembly of this nature can pretend to come into legal existence claiming to represent the People of Puerto Rico.