

## The quicksand of status resolution (II)



BY RAFAEL HERNÁNDEZ COLÓN

In my last column, I pointed out that the resolution of the status issue devolves through a fatal political quicksand that requires more than a one-shot deal plebiscite expression to bring the matter to fruition. It also requires getting a bill through Congress accepting our determination. Given the efforts of the New Progressive Party (NPP) to push a non-binding status bill though Congress and their intent to hold a plebiscite next year on status if they do not get their bill approved by Congress, it is important to review our historical experiences regarding getting the results of a plebiscite approved by Congress. Our experiences with Congress over the second half of the 20th century prove that what the NPP leadership intends to do is an exercise in futility at the expense of \$3.5 million to the taxpayers of Puerto Rico. We have had two such experiences; the first in 1976 when we tried to get the New Compact through Congress and another in 1993 when the Rosselló administration held a plebiscite. In both instances commonwealth won. But in the second one, it won by a plurality and, with a statehood government in power in Puerto Rico, Congress simply took no action to implement the winning option in the second case.

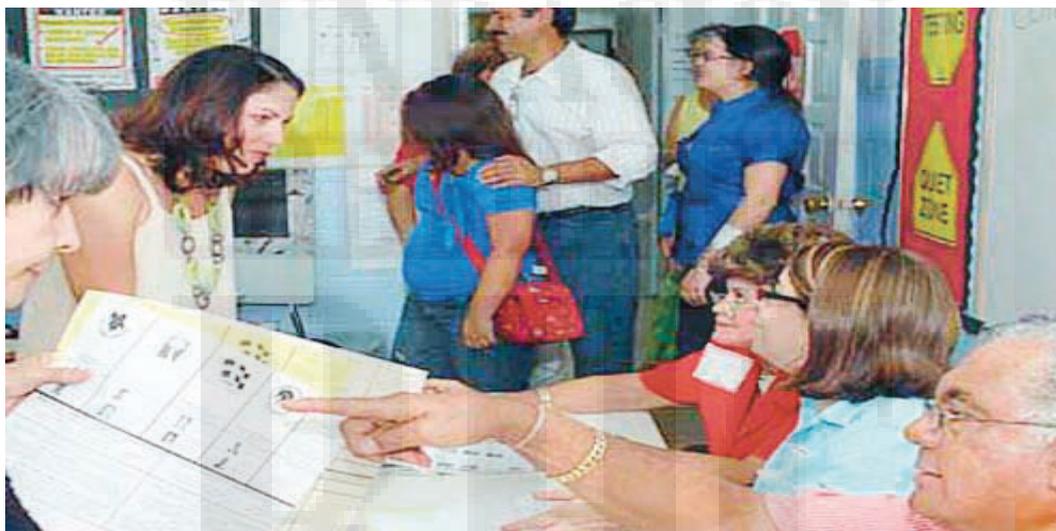
The first one—HR 11200 121st Cong—however, is widely instructive as to what we can expect will happen in Congress with the results of a non-binding plebiscite approved by Congress or with a “*criollo*” plebiscite approved by our legislature. HR 11200 pretended to implement the results of the 1967 plebiscite that commonwealth won with 60% of the vote. It contained “The New Compact” which had been drafted in 1975 by a blue ribbon, U.S. Puerto Rico Ad Hoc Committee working under congressional legislation dating back to 1964.

The New Compact laid to rest all the legal—constitutional—arguments that are leveled against commonwealth. With the express approval from a legal perspective from the U.S. Justice Department, the New Compact stated the bilateral obligatory nature of the Compact and required that amendments to the same had to be authorized both by Congress and by the people of Puerto Rico. In addition to that, it enhanced

our autonomy with regard to minimum wages, the environment, certain aspects of immigration and international relations.

The bill had the support and was managed by Phillip Burton, the powerful chairman of the House Subcommittee on Insular Affairs, and chairman of the Democratic Caucus. In the Senate it had the support of Majority Leader Mike Mansfield and Senators Hubert Humphrey, Edward Kennedy and Henry “Scoop” Jackson, the chairman of the committee with jurisdiction over the bill. All of them had the intent of getting the bill out that year, 1976, which was an election year here and in the states. It did not happen.

Given the fact that status is a life or death issue



for our political parties and a profound emotional commitment of many Puerto Ricans, status politics do not go by the rules of democracy where the losers respect the winners. In status politics anything goes.

As soon as the bill was introduced, Carlos Romero opened fire, attacking Burton as trying to railroad the bill through Congress.

In the first hearing in the House, Córdova Díaz, the Republican NPP former resident commissioner, and Carlos Gallisá, the leader of the far left Puerto Rico Socialist Party (PSP), lambasted the New Compact while the congressional building where the hearing was held was surrounded by vociferous pickets from Solidarity, an organization with links to the PSP.

Meanwhile, Córdova, Romero and Ferré had gotten President Ford’s republican White House to hold back its report on the New Compact in order to delay congressional action on the bill. Their strategy was to block the bill from getting through Congress until November that year, when they expected to win the election in as much as Puerto Rico was in the midst of a worldwide recession due to an oil embargo on the West brought about by the Arab countries.

After these hearings, Congress was bombarded with letters of opposition to the New Compact

from numerous entities of Puerto Rican civil society such as: Mission Industrial, opposing environmental autonomy; the unions, opposing power over minimum wages; the Bar Association, with constitutional objections; and even the federal employers who believed mendacious NPP rumors to the effect that they were going to lose their jobs if the New Compact was enacted.

The intensity of feeling regarding the status issue was further projected upon Burton’s committee when he brought them down to San Juan for an additional hearing. Extreme security measures had to be taken when the PSP and the Puerto Rico Independence Party laid siege to the Capitol during the hearings, surrounding it with massive and

vociferous picketing. The committee was ill at ease because in Washington, Gallisá, the PSP leader, had spoken in terms of the “patriots” that had shot several congressmen back in 1954.

In spite of the ferocious opposition coming from all sides, Burton was determined to get the bill through in the House. His subcommittee approved it. But the NPP’s delaying tactics were well-planned. They got a Republican congressman named Quie to present a request for a sequential referral of the bill to five committees, each with jurisdiction over certain parts of the bill.

When the chairman of the Committee on Ways and Means accepted the referral to his committee and announced he would hold hearings, I knew that we would not be able to get the bill through the House in time to get it to the Senate for it to act before November.

Romero won the 1976 election in Puerto Rico and the New Compact, which was the product of 11 years of efforts by the Congress, the president of the United States, the governor, the Legislature of the commonwealth and the people of Puerto Rico, was doomed beyond redemption.

Status politics make it extremely difficult to get a change in status approved by Congress. History proves that in order to get such a bill through, a one-shot plebiscite is not the way. We need a mechanism such as a constitutional convention to petition Congress and sustain the petition beyond the electoral cycle. ■

*Rafael Hernández Colón is a three-term (12-year) former governor of Puerto Rico (1973-'76 and 1985-'92). He served as Justice secretary (1965-'67) and Senate president (1969-'72). He was president of the Popular Democratic Party for 19 years. Comments on this article are welcome at [caribbeanbusinesspr.com](http://caribbeanbusinesspr.com). Go to [Sign in](#) link on the homepage. Emails also may be sent to [column@caribbeanbusinesspr.com](mailto:column@caribbeanbusinesspr.com).*