

Puerto Rico at a crossroads



BY RAFAEL HERNÁNDEZ COLÓN

A distinguished group belonging to important Latino and Jewish organizations just visited Puerto Rico, and I was asked, along with Carlos Romero Barceló, to make a presentation to them about where Puerto Rico is at the present moment, how this has come about and where we

go from here. Obviously, they were going to get two conflicting versions, but that is Puerto Rico's reality. Given the importance of the group and the questions I was to address, I devoted some time trying to paint with broad strokes the vagaries of history that have brought us to where we are now. Inasmuch as they present Puerto Rico at a crossroads, I would like to share the speech with my readers in this and in my next columns in CARIBBEAN BUSINESS.

Welcome to the Commonwealth of Puerto Rico, an autonomous body politic, organized by the free and sovereign will of the people of Puerto Rico under a compact with the United States of America.

Our people, a cultural community of Hispanic language and tradition, are citizens of the U.S., who have decided in a Constitutional Convention and expressed through plebiscites our purpose to live in permanent union with the United States of America through a relationship structured in a compact that provides for our constitutional government, with fiscal and cultural autonomy from the U.S.

At the time Puerto Rico was ceded by Spain to the U.S. in 1898 following the Spanish-American War, we were a distinct people belonging to an integrated ethnic family, speaking the same language, with the same customs and beliefs, conscious of our history, unity and our common future. At that time, our fine arts were well-developed and our literature, music and painting reflected our particular identity. Our political class had achieved a Charter of Autonomy from Spain. At that time, we already were a nation in the sociological, anthropological and cultural sense of the word.

The people of Cuba and the people of the Philippines, who also came under U.S. sovereignty as a result of the Spanish-American War, were also nations in the same sense as Puerto Rico. However, the U.S. didn't intend to hold onto Cuba and the Philippines. This wasn't the case with Puerto Rico.

Other than acquiring the island from Spain, the U.S. didn't have a policy about what the ultimate status of the people of Puerto Rico would be. This would be worked out pragmatically as the

20th century unfolded. The first decisive step to structure a permanent relationship occurred in 1917 when Congress granted citizenship to the people of Puerto Rico. This step, however, wasn't intended, as the Supreme Court said in the case of *Balzac v. People of Puerto Rico* 258 U.S. 298 (1922) to incorporate Puerto Rico into the U.S. and destine us for statehood. Citizenship was granted in block for the first time in [U.S.] American history to a distinct people. Naturalization procedures weren't required. We didn't have to learn English or [U.S.] American history. By law of Congress, we became [U.S.] citizens. Citizenship made us [U.S.] American citizens but didn't pretend to make us [U.S.] Americans in the sociological, anthropological or cultural sense. The policy followed in the granting of citizenship was reflected in the following language written by Felix Frankfurter, then a lawyer for the War Department, later one of the most eminent justices of the U.S. Supreme Court:

At the time Puerto Rico was ceded by Spain to the U.S. in 1898 following the Spanish-American War, we were a distinct people belonging to an integrated ethnic family, speaking the same language, with the same customs and beliefs...

“The form of the relationship between the U.S. and [an] unincorporated territory is solely a problem of statesmanship. History suggests a great diversity of relationships between a central government and [a] dependent territory. The present day shows a great variety in actual operation. One of the great demands upon creative statesmanship is to help evolve new kinds of relationship[s] so as to combine the advantages of local self-government with those of a confederated



union. Luckily, our Constitution has left this field of invention open. The decisions in the insular cases mean this, if they mean anything; that there is nothing in the Constitution to hamper the responsibility of Congress in working out, step by step, forms of government for our insular possessions responsive to the largest needs and capacities of their inhabitants, and ascertained by the best wisdom of Congress.”

During the first half of the 20th century, our government was organized by laws of Congress. At the outset, Congress realized that due to the abysmal differences in economic development between the island and the [U.S.] mainland, federal taxation couldn't be imposed upon our economy. Although considerable progress was achieved during the first decades in education, sanitation and infrastructure, economic development didn't take off, social justice was meager and poverty was rampant. Free trade between the U. S. and Puerto Rico and the mobility afforded to our people by [U.S.] American citizenship integrated our economy to that of the mainland and opened up opportunities for a better life to thousands of Puerto Ricans who migrated to the mainland, weaving the texture of permanent union that has come to characterize our relationship to the U.S.

The United Nations (U.N.) Charter stimulated a movement for decolonization all over the globe after World War II. The Popular Democratic Party, which controlled our Legislature since 1941—the governor was Rexford Tugwell, who had been appointed by Roosevelt—in 1949 proposed to Congress an arrangement of self-government for Puerto Rico that was tailor-made to our cultural realities and our economic needs, which would fulfill the criteria set up by the U.N. for decolonizing the island.

Congress then approved Law 600 of 1950 in the nature of a compact to be proposed to the people of Puerto Rico whereby we would be governed through our own Constitution and the terms of the relationship, that is: U.S. citizenship, free trade, applicability of federal laws, exemption from federal taxation, etc., would be contained in a Federal Relations Act. These terms were previously legislated unilaterally by Congress in the Organic Act under which we were governed. They would be part of the compact between Congress and the people of Puerto Rico if we accepted the congressional proposal. ■

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. Go to [Sign in](#) link on the homepage. Emails also may be sent to column@caribbeanbusinesspr.com.