

## July 4, 1776

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Two hundred and twenty-nine years ago, representatives of the 13 British colonies in North America gathered in Philadelphia as the Continental Congress and declared the united colonies to be free and independent states. The document they wrote—the Declaration of Independence, one of the most powerful political documents in the history of western civilization—declared to humankind “the causes which impel them to the separation.”

At the outset, it proudly proclaims: “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; that, to secure these rights, governments are instituted among men, deriving their just power from the consent of the governed.”

The causes had been there for quite some time before the colonists resolved to declare their independence. *The Military Journal of the American Revolution*, written by James Thacher, surgeon in the American Revolutionary Army, provides a detailed account of the principal events leading to the Declaration of Independence and of revolutionary battles. In January 1775, he writes: “I find our country about to be involved in all the horrors of a civil war. A series of arbitrary and oppressive measures, on the parts of the mother country, has long been advancing to that awful crisis, when an appeal to the power of the sword becomes inevitable. The event of this mighty struggle is to decide an affair of infinite magnitude, not merely as it respects the present generation, but as it will affect the welfare and happiness of unborn millions. The great fundamental principle, in the present controversy, is the right that is claimed by the Parliament of Great Britain, to exercise dominion, as the only supreme and uncontrollable legislative power over all the American Colonies. ‘Can they make laws to bind the colonists in all cases whatever; levy taxes on them without their consent?’ Then, indeed, we are reduced to a state of abject slavery.”

The outcome of the mighty struggle that ensued because of these causes liberated the colonists from British power and oppression. The colonies went on to ordain the Constitution of the United States of America under the guiding principles of the Declaration of Independence. The more than 220 years that have passed have witnessed another type of struggle, more subtle but just as bitter and real, to fully realize the principles of the declaration in the daily lives of all Americans.

It has been a long, uphill struggle to incarnate in U.S. society the principle that all men [and women] are created equal. In the mid-19th century, the U.S. Supreme Court upheld slavery in the Dred Scott case and, after the Civil War overruled it, the court came up in *Plessy vs. Ferguson* with the discriminatory maxim of separate but equal to justify the marginalization of the Black race. Racial discrimination wasn't

eradicated from the laws of several states until the Warren Court passed a decision in *Brown vs. Board of Education* in 1954, reversing *Plessy*, and Congress passed the Civil Rights Acts of the 1960s.

The principle that governments derive their just powers from the consent of the governed was put to the test in the great national debate over imperialism on account of the Spanish American War at the end of the 19th century. The anti-imperialists argued the Constitution didn't permit the U.S. to acquire and hold colonies on account of the principle of government by consent. The imperialists prevailed over public opinion with the help of the inflammatory press of William Randolph Hearst, and the Supreme Court constitutionalized government without consent through the Insular Cases, which recognized civil but not political rights in the inhabitants of the territories acquired from Spain.

Puerto Rico's struggle for self-government stems from this debased constitutional threshold. There are no standards to foster congressional generosity in granting self-government. After Congress passed the 1900 Organic Act, which eviscerated the autonomic powers we obtained from Spain, Luis Muñoz Rivera, whose birthday we celebrate on July 17, took up the struggle for self-government. In 1917, because of his efforts, the Jones Act was passed, granting the right to elect our Senate as well as our House of Representatives. The governor, attorney general, commissioner of education, and the Supreme Court judges, however, all were appointed by the U.S. president; and Congress retained the right to amend any bill from the Puerto Rico Legislature.

The Jones Act was another piece of colonial legislation that placed in Congress the same plenary power over Puerto Rico that the British king claimed to have over the 13 colonies, which led to the Declaration of Independence and the American Revolution.

The 1920s and '30s of the past century yielded nothing from Congress in terms of government by consent for Puerto Rico. The solution to the problem was generally felt in Puerto Rico to be independence or statehood, while autonomy was discussed from time to time but not seriously pursued because there was no model in U.S. constitutional history and no previous experience with it in the federal government.

The Popular Democratic Party (PDP) came into power in 1940. Luis Muñoz Marín and all the party's leaders were *independentistas*, but they focused at the time primarily on the issues of poverty, social justice, and underdevelopment, leaving the colonial issue aside during their initial term in office.

In 1943, Gilberto Concepción de Gracia formed the Congress for Independence, and a large number of leaders from the Popular Party joined the Congress, which promoted independence, but didn't participate in the elections as a political party.

The PDP handsomely won the elections of 1944 and, as the Second World War came to a close, Muñoz Marín, then Senate president—the governor was Rexford G. Tugwell, appointed by the U.S. president—turned his attention to the colonial issue.

In my next column, which will appear the week of July 25, when we commemorate the founding of the Commonwealth, I will examine the efforts made by the Puerto Rican leaders and Congress during the late 1940s and early 1950s to deal with the lack of government by consent in Puerto Rico.

