

Status bills before the Legislature II

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Those who ignore the lessons of history are bound to repeat mistakes made by their predecessors. This is about to happen with the status bills before the Legislature. A blissful ignorance of the minefields that lie ahead, inspires legislators desiring to prove their political manhood or womanhood by getting out some sort of bill which will summon the many times frustrated people of Puerto Rico to the polls to demand from Congress a commitment to respond to our political-status claim among fully democratic options of a noncolonial or nonterritorial nature.

A lack of strategic vision fills these legislators with confidence that they are taking an important step to solve our status problem, which I might say, to their dismay, is not Commonwealth but rather the deep-rooted normative conflict—a conflict of values—between Puerto Ricans who favor statehood, those who favor independence, and those who favor autonomy. If we don't establish a process that steers a divided people, such as we, away from the minefields that would thwart our efforts, we are not going anywhere. The minefields are the issues that work against our unity of purpose.

A petition, such as the one which seems to gain ground in the Legislature, will not progress in Congress because it will raise before Congress the question of whether Commonwealth is colonial, or whether its enhancement is constitutional. We must not ignore the fact that the New Progressive Party (NPP) and the Puerto Rico Independence Party (PIP) joined together in 1998 in promoting the Young bill, which excluded Commonwealth as a final solution for self-government for Puerto Rico. Both parties envision the elimination of the alternative preferred by the majority of the Puerto Rican people, Commonwealth, as their route to final victory. The NPP sees Commonwealth as their obstacle for a petition for statehood by a majority of Puerto Ricans. The PIP, absolutely sure that the U.S. will never grant statehood, sees the elimination of Commonwealth as the step to the elimination of statehood and the ultimate triumph of independence as the only noncolonial, nonterritorial alternative.

Both of them will seek in Congress what they are unable to achieve through the polls in Puerto Rico, the elimination of Commonwealth as an option. This is the minefield. This is what will defeat our unity of purpose. It must be avoided, not because we fear that Commonwealth or its enhancement will not pass muster as a noncolonial or nonterritorial alternative, but because the issue will splinter the support of the bill before Congress and will cause a deadlock. The Popular Democratic Party (PDP) will fight the elimination of Commonwealth tooth and nail. The NPP and the PIP will do the opposite and, due to the lack of consensus among Puerto Ricans, the bill will not pass. There we go again. The bill will not pass because Congress itself has no interest in changing the status of Puerto Rico. Since the Foraker Act of 1900, all advances in self-government have come through Puerto Rican initiatives before the Congress: the Jones Act of 1917, the Elective Governor Act of 1947, and the Commonwealth Law 600 of 1950.

History is clear that we must be united in order to push a status bill through Congress. It is also clear that when we have not been united, for instance with the Aspinall Bill in 1963, the De Lugo and Johnston bills in 1990, or the Young Bill in 1998, no bill was approved by Congress.

To the attitude of institutional inertia on the part of Congress regarding Puerto Rico's status, we must add the considerable political difficulties that are attendant on a status bill. Statehood poses cultural and linguistic issues, which are deeply divisive in the U.S. Independence or free association, pose the dual citizenship issue, which raises the same question as for Mexican-Americans. The enhancement of Commonwealth brings to bear all the different interests that have a stake in the status quo, such as the International Longshoremen's Union in the Jones Act.

In approving a status bill there is a political price to pay for most of the members of Congress involved, while there is very little political gain and only for a few members—those representing large Puerto Rican populations. Let us not make the mistake that Hispanics, as such, have a serious interest in this matter. As a matter of fact, some Hispanics envision a Puerto Rican state as a diminution of their political power.

In order to surmount this, we must be united. The bill before Congress must be fully acceptable to all parties. It can't open up an issue negative to one of them. It must present a level playing field so as not to fracture our political will in the process before Congress. There is a recent history of controversy in the Congress over the colonial or territorial status of Commonwealth. A bill couched in these terms will open up a can of worms as it proceeds through Congress, and a Puerto Rican political storm over that issue will bring the bill to naught.

A sample of what will happen is the lobbying efforts that have begun in Congress to obtain support for the different status bills before our Legislature. If these dynamics have already been unleashed upon the Congress, what can we expect when it is called upon to approve a bill committing itself to a response on noncolonial or nonterritorial alternatives? Will the NPP and the PIP refrain from lobbying the Congress to agree with them that Commonwealth is a colony and a territory and its enhancement constitutionally not viable? Will the Congress not entertain the question of whether an enhanced Commonwealth is a viable alternative before passing such a bill?

No one should doubt that the bill calling for noncolonial or nonterritorial alternatives will squarely raise the Commonwealth issue before Congress and we will have a major status battle in Congress among our political parties regarding that issue. Both the NPP and the PDP have the power to block a status bill with which they are uncomfortable before Congress. This is why the bill calling for noncolonial or nonterritorial alternatives will get nowhere in Congress. Before approving such a bill, the legislators should try to envision the whole movie that will unfold after the people of Puerto Rico vote on what simplistically seems such a noble and noncontroversial proposition. They should not expose our people to another frustrated effort on status before Congress.

The Puerto Rican people deserve better.