

## Memories of failed status bills before Congress

By : RAFAEL HERNANDEZ COLON

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In my past column, I wrote about two status bills currently before Congress and ventured to prophesize that neither of them will be approved by Congress. My prophesy was based on my experiences during the past 41 years with failed status bills in Congress. I then wrote a prescription as to how to go about getting a bill approved. One of the ingredients in this prescription was that the leadership of our principal political parties should sit down together and review the past efforts to determine why they have failed.

I have memories that date back a long time in dealing with these matters before Congress. They are useful memories because as George Santayana once said: “Those who do not learn from the lessons of history are bound to repeat their mistakes,” or something like that.

My recollections take me back to 1966. I was attorney general for the Commonwealth and in Washington, D.C. with Luis Muñoz Marín who, at the time, was the co-chairman of the U.S.-Puerto Rico Commission set up by Congress on the status of Puerto Rico. This commission undertook the most comprehensive study, yet unsurpassed, on the status question. All the different facets of status—legal, economic, cultural and social—were studied in depth for each of the status alternatives.

I remember walking down the halls of Longworth, the oldest office building of the House of Representatives, and Muñoz telling me about the years in his youth when he worked for his father, Luis Muñoz Rivera who, at the time (1916), was resident commissioner in Congress dealing with status—the Jones Act—and who had his office in Longworth.

My God, I thought, 50 years have passed since this man—Muñoz—and other Puerto Ricans have been walking these corridors; knocking at these doors to get a solution to Puerto Rico’s status and, to this date, the matter remains unresolved. I could not help admiring Muñoz’s perseverance and the depth of his commitment to solving the problem.

It was not to be. The commission that Muñoz co-chaired issued its five-volume report and recommended a plebiscite between enhanced Commonwealth, statehood and independence.

Luis Ferré, who was a member of the commission representing the statehood party, endorsed this plebiscite. The plebiscite was held July 23, 1967 and enhanced Commonwealth won handsomely...with 60% of the vote.

Muñoz decided not to seek implementation of the plebiscite results until 1969. Big mistake. In 1968, Luis Ferré won the governorship and the authority to implement the results fell to him. He exercised it by proposing the presidential vote as the way to enhance Commonwealth. This came to naught.

When I was elected governor in 1972, I proposed to President Nixon to implement the results of the plebiscite by appointing an ad hoc committee to develop a New Compact for an enhanced Commonwealth. Nixon agreed, the committee was appointed—again Muñoz was co-chairman—and, in 1975, it formulated the New Compact that was presented to Congress.

The House Interior Subcommittee on Insular Affairs took up the bill. By the time it held hearings and rendered its report in 1976, which was favorable, Congress had recessed for the 1976 congressional and presidential elections.

We also had elections in Puerto Rico. The NPP, with Carlos Romero Barceló, won the governorship and both houses of the Legislature. Baltazar Corrada won the resident commissionership in Washington. Congress interpreted this as if Puerto Rico had disavowed the 1967 plebiscite. The New Compact bill before Congress was dead.

The principal lesson I derived from this experience is that the full process to resolve the status issue, if ever possible, takes more than four years, and the will of the people as elicited in a plebiscite can be derailed by upcoming elections.

Assuming we present the bill at the outset of the congressional session and the main parties are in agreement with the plebiscite, it will take Congress at the very least two years to approve the plebiscite bill. It will then take a year for us to legislate and hold the plebiscite. This means the bill to implement the results in Congress will be presented midway through the second session of Congress. That is, one year before the session ends.

It would be naive to think Congress would act on a bill for an enhanced Commonwealth or for statehood within this time frame. Therefore we must countenance the fact that the upcoming elections in Puerto Rico may undo the plebiscite results if the party that wins the plebiscite loses the election.

How will this come about? First of all, Congress reads the elections as relating to the status preferences of the people of Puerto Rico. This is so because our parties are aligned on the basis of status and status is always an issue in the elections. Thus, when Carlos Romero Barceló won in 1976, the New Compact was declared dead in Congress.

But there is another reason. Congress regards the elected government of Puerto Rico as the representative of the will of the people of Puerto Rico. This means if the party that lost the plebiscite wins the next election and it opposes in Congress the bill implementing the plebiscite results, this bill will not be approved.

To me, these truths have become evident through historical experience. They were not self-evident when I began to deal with these matters. They became evident with time. From this vantage point it is quite clear to me that to successfully address the status issue, we must establish a procedural mechanism that expresses the will of the people of Puerto Rico as to their status preference and sustains that will until the procedures in Congress are completed. In other words, that we must set up another tract which surmounts our general elections for the people to address and resolve the status issue.

The Constitutional Convention would be such a mechanism. Perhaps, there are others. These are some of the matters to be discussed among the parties, lest we keep walking the halls of Congress in vain.

