

**REMARKS BY THE GOVERNOR
OF THE COMMONWEALTH OF PUERTO RICO
HONORABLE RAFAEL HERNANDEZ COLON
BEFORE THE YALE POLITICAL UNION**

SEPTEMBER 8, 1992

YALE UNIVERSITY

I am grateful to the Yale Political Union for its invitation to address this gathering tonight. It is stimulating to return to Yale the Alma Mater of my oldest son Rafa and my daughter-in-law Patricia, and where I have spoken on several occasions dating back to the 70's, the last as Visiting Chubb Fellow three years ago.

On that visit I discussed Puerto Rico's political status, just as we embarked in the plebiscite process. This effort, begun in 1989, and aborted in Congress in 1991 makes this visit to Yale a timely opportunity to reflect on the lessons to be learned from that process and its implications for the meaning of self-determination in our times.

The Puerto Rican engagement with the U. S. Government in the 1989-1991 process sheds new light on the meaning of self-determination within the U. S. constitutional context. It is particularly illustrative as

to the complexities of the political decisions involved and of future processes to be followed.

So I will not discuss status in traditional terms tonight: that is I will not argue the cause of Commonwealth as against Statehood or Independence. Rather I will recount in its essential aspects what happened from 1989 to 1991 when the people of Puerto Rico tried to jointly develop with the U. S. a framework for determining the island's status.

For the first time in the history of our relationship with the United States which dates back to 1898, the Government of Puerto Rico and our three political parties which represent the three status preferences of the People of Puerto Rico petitioned, and for two and a half-years jointly lobbied, the government of the United States --the President and Congress-- to enact legislation defining the status choices and implementing the winning formula. No legislation was enacted but important myths were debunked. It was an experience with a lot of lessons to be learned by all concerned.

From the very first moment Puerto Rico intended to achieve two objectives.

The first was sketched in a letter to Congress and the President which I as Governor signed on January 11, 1989 along with the presidents of the statehood and independence parties. In it we asked Congress and the President to structure a plebiscite on status, guaranteeing that --once expressed-- our peoples' will would be abided by the U. S. Government.

The other objective was that the terms and conditions of the status formulae should be defined by Congress so that the people could understand their political, economical, social and cultural consequences.

For instance: whether it was possible to continue the tax preferences Puerto Rico enjoys as a Commonwealth for a period of time as a non-disruptive economic transition into statehood; or whether Puerto Ricans presently U. S. citizens would maintain their citizenship if we became independent; or whether as an enhanced Commonwealth Puerto Rico could enter into international agreements; which agreements? - how?

It should be obvious that we were seeking a meaningful exercise in self-determination not a beauty contest between the three formulas. We had held a plebiscite in 1967 under Puerto Rican initiative following the

recommendations of a top level U. S.-P. R. Status Commission created under law of Congress. Enhancement of Commonwealth status --that is broader self-government-- won the '67 plebiscite. A bill to implement the will of the people was introduced in Congress, but Congress failed to act and the status debate continued unabated. This time mindful of that historic lesson, we sought first to directly engage Congress and the President in the process, for two of the status options, self-determination really entails a bilateral relationship requiring in effect mutual determination.

President Bush responded in his 1989 State of the Union speech with a call to Congress to authorize the plebiscite. Unfortunately he would add that his preference was statehood. Not a minor intrusion in the process of self-determination.

Senator Bennett Johnston took the leadership in the Senate. With the cooperation of our three political parties he presented three bills S 710, S 711 and S 712 each with varying degrees of complexity in Congressional commitment and definition of terms and conditions for the adoption of each formula.

Very early in 1989, the leadership of the House of Representatives advised Johnston that it would not

consider Senate bill 712, which defined each formula in detail and automatically executed, that is enacted, the plebiscite's result. This bill was the one preferred by Puerto Rican leaders.

Behind the House leadership's opposition to defined formulas and to the automatic execution of Puerto Rico's decision, was an unwillingness to commit in advance to admit Puerto Rico as a state of the Union.

This unwillingness to a previous commitment on statehood, reflected the fundamental questions of the cultural distinctiveness of Puerto Rico, the fragility of its economy to status change, and the showing of the political will necessary, that is size of the majority, and its sustainability over time to admit Puerto Rico as a state. Fundamental questions indeed for a country like the U. S. which fought a civil war to decide the question of the right of secession a matter creating serious conflict today in other parts of the world. This issue was most poignantly brought out in the House hearings by the statehood leadership's claim that Puerto Rico once admitted should have the right of secession as concomittant to its right of self-determination.

The House leadership introduced and approved its own bill without a binding commitment to implement the Puerto Rican decision and without the terms and conditions for each formula. These matters were to be worked out within a framework set out in the Committee report after a vote in Puerto Rico.

Senator Johnston who had worked very hard to move his 712 in the Senate, refused to compromise with the approach taken by the House and the session of the 101st Congress came to an end in 1990 with a bill approved in the House and no bill approved by the Senate.

Early in 1991 Senator Johnston presented a new bill which no longer called for self execution, that is automatic adoption of the decision by the people of Puerto Rico, but which retained the terms and conditions upon which the people of Puerto Rico were offered the three status options. The bill was defeated 12 to 12 in Committee because the senators opposed were unwilling to consider a plebiscite bill proposing statehood to the people of Puerto Rico due to fiscal, economical and cultural reasons. They would only pass a bill similar to one approved in the House without definitions or obligations to respect the people's choice.

* Wendell Ford (Democrat - Kentucky and Majority Whip of the Senate) expressed his concern with the long term implications of the bill. He emphasized the inconsistencies of statehooders who say one thing on fiscal and cultural matters in Puerto Rico and something else in Washington.

* Richard Shelby (Democrat - Alabama) expressed that he had serious problems with statehood and that he would accept a referendum between Commonwealth and Independence, but not with Statehood as an option.

* Kent Conrad (Democrat - North Dakota) explained that this is not the moment to consider statehood for Puerto Rico, since it would entail a serious economic decline and would have worrisome cultural implications and that, in this context, when Congress does not have a serious intention of accepting one of the three status options, the bill would really be a cruel hoax toward the people of Puerto Rico.

* Malcolm Wallop, Ranking Republican on the Energy Committee, raising the question of statehood and nationalism said that in the case of Puerto Rico we are not talking about diversity or pluralism, because Puerto Rico is

culturally complete, culturally homogeneous, that is one people.

But opposition to statehood came not only from Congressional sectors. It also came in fact from varied sectors of U. S. public opinion.

* Respected liberal columnists such as Tom Wicker wrote that economically, statehood would be a disaster for the island, pointing out that Puerto Rico would inevitably lose the backbone of its economic development, Section 936 of the U. S. Tax Code and its fiscal autonomy.

* On the right Pat Buchanan wrote that statehood is like the most strict, outdated, type of marriage, it is a dead end. What is the rush? he asked. And added that Americans must sympathize with the desire of Puerto Rican patriots to maintain a separate identity...

* George Will wrote that the question today is not whether Puerto Ricans are part of American society. Of course they are. The question, quite different, is whether Puerto Rico, a distinct cultural entity, belongs within the federal union... Would such a distinct people, said Will, be willing to down-grade the Spanish language which is the main inheritance of their 400 years of history as a Hispanic and Caribbean community.

* The New Republic, which favors statehood for the District of Columbia, argued against it in the case of Puerto Rico, because there is no evidence that statehood would serve the best interests of the U. S. or of Puerto Rico.

Despite the continuous efforts of the Bush Administration to promote the plebiscite in Congress and to favor statehood, the Republican leadership, both in the House and Senate, opposed final action. The House Republican leadership even went so far in the 102nd Congress as to refuse to support the same bill they had favored in the previous session, notwithstanding the President's insistence.

In the end the House took no action. The plebiscite was declared dead in the summer of 1991.

Puerto Rico is the first case in history where the United States is called upon to implement the right of self-determination for a people which are a distinct society and who may choose amongst the three possible options of statehood, Commonwealth or independence, at least two of which involve a permanent, lasting, binding relationship of the United States. This is why the 1989-1991 process is such an important experience for both the U. S. and Puerto Rico.

The 37 states incorporated after the original 13 were destined only for statehood. The Phillipines was destined only for Independence; the Trust territories of the Pacific were never conceived as possible states of the Union. Only Puerto Rico has been recognized the right to opt for the three status options.

Recognition of the right of self-determination of the people of Puerto Rico has been official U. S. policy since the end of World War II and the creation of the United Nations.

Every President since then has enunciated this policy, no doubt in good faith. Congress has expressed itself likewise time and again with equal good faith. The State Department has represented it in the U. N. Therefore it has long been supposed by the international community, by the Puerto Rican people and by the American people to a certain degree that Puerto Rico was entitled to choose and the U. S. would accept our choice. That we have all learned is not so simple.

The lack of Congressional implementation of the result of the 1967 plebiscite initiated by Puerto Rico, showed that Congress must be involved in the process; Congressional abortion of a meaningful plebiscite bill in

1991 shows that Congress is not willing to engage in the process.

Whither self-determination for Puerto Rico?

The 1989-1991 Puerto Rican process permits the following conclusions considering not only what I have discussed up to now but also all Committee reports and the full legislative history.

* Congress is unwilling to seriously commit itself beforehand to accept the result of a plebiscite which includes statehood.

* Congress has made it clear that the road open to statehood is the traditional and hard path of repeated petitions over a prolonged period of time which extended over five decades in the case of Hawaii and Alaska with overwhelming majorities in favor. A path all the more difficult in the case of Puerto Rico due to the cultural, fiscal and political complexities involved.

* Congress acknowledges Puerto Rico's great progress under the actual Commonwealth relationship and is willing to enhance it without a plebiscite in important areas such as full participation in federal social programs, economic development and broader self government.

* Congress would grant independence to Puerto Rico if it were backed by a majority of Puerto Rican voters.

Therefore self-determination takes different procedural routes for each status formula.

This reality needs to be reflected in U. S. policy statements, as to Puerto Rican self-determination.

No longer should the U. S. or its political leadership represent that self-determination for Puerto Rico implies a rapid resolution by way of a plebiscite: this would be not only false and deceptive but it would exacerbate the status conflict in Puerto Rico to no constructive purpose.

Uncertainty of political destiny, even if only a matter of perception, is destructive of the climate which optimizes investment and economic growth in any country. Puerto Rico's per capita is still one third that of the U. S. Commonwealth provides the fiscal tools which foster our growth. Its perceived stability is essential to our progress.

The 1989-1991 process should refocus policy on the realities of the existing Commonwealth relationship; under it, the U. N. recognized that the people of Puerto Rico

had exercised --not exhausted-- their right of self-determination and the colonial relationship with the U. S. had ceased.

Day to day U. S. governmental policies towards Puerto Rico cannot continue to depend on the status rhetoric of the last presidential campaign but rather on the realities of the existing constitutional relationship created by Congress and the People of Puerto Rico as a compact in 1952.

The U. S. must be straightforward with the International Community and specially with Puerto Rico. The 1989-1991 exercise outlines what the U. S. constitutional processes are and the time frames involved in pursuing each alternative.

Nationalism, ethnicity, self-determination are powerful forces at work in creating international conflict in the world today. Former Soviet States, the Balkans, the Middle East are the world trouble spots at the turn of this century.

The United States in varying degrees is called upon to exercise leadership towards the solution of these crises. It can not preach abroad what it does not practice at home.

Puerto Rico presents no turmoil and no crisis. Our relationship, albeit asymmetrical, is one between two democratic peoples with strong institutions that protect our liberties. Our challenge is to work out in this democratic context the political accommodations between Puerto Rico and the United States. To meet this challenge prudent sensitive statesmanship is necessary on both sides, leadership that will not keep spinning the wheels of the status debate, one which will learn from the lessons of the past in order to speed forward into the future.
