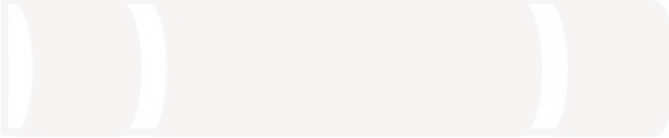




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**REMARKS BY RAFAEL HERNANDEZ COLON
GOVERNOR OF PUERTO RICO (1973-76; 1985-92)
BEFORE THE CONFERENCE FOREIGN IN A
DOMESTIC SENSE**

RHC



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DEMOCRACY IS THE ANSWER TO THE PUERTO RICAN QUESTION

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At the end of a century since the invasion of Puerto Rico by the United States, when the spread of democracy throughout the world ushers in a new millenium, the question of self-determination for the Puerto Rican nation presses upon the United States. Supported by only 5% of Puerto Ricans, Independence is not the answer. But, Commonwealth and Statehood are dead-locked in Puerto Rico; and in Congress.

On March 4th., the House voted 209-208 for HR 856, a stealth statehood bill disguised as self-determination. Vóting Yes were 165 Democrats; 43 Republicans and 1 Independent. Voting No were 31 Democrats; and 177 Republicans. By supporting the statehood bill, House Democrats deserted their historic Island allies, the Commonwealth supporters, to pursue 6 new Democratic seats in the House and 2 in the Senate.

Republicans, who had been lulled into slumber by the Speaker's co-sponsorship of the bill, were rudly awaked by revelations that Vice President Gore had secured a deal to unionize Puerto Rican government workers, in return for Big Labor's support for the statehood bill in Congress. On the House floor, Reps. Gerald Solomon, Luis Gutiérrez and Nydia Velázquez, attempted to unmask the bill. They demonstrated that with this bill, statehood was certain to win by an overwhelming majority because commonwealth supporters would be denied ballot access. If they voted for Commonwealth, they would be voting for a

definition under which Puerto Rico would revert to a colonial form of government.

The debate in the House also focused on statehood and English as an official language. The admission of Puerto Rico, without English being the official language of the United States, would make America a bilingual plurinational country. It would also mean the admission of the first state unable to provide for the fiscal burdens of the Union, while ushering into Puerto Rico massive flows of federal social programs dollars and locking the Island into an inescapable welfare trap.

After the House vote, Senator Trent Lott, the Majority Leader, announced that although the bill may get hearings in Senate Committees, it will not likely be acted upon by the Senate in this Congress.

The resolution of the status question for Puerto Rico seems to have come to an enduring dead-lock. It is morally unacceptable, unfair and harmful to Puerto Rico and to the United States that Congress should leave status to business as usual. That is: do nothing, wait for a Puerto Rican initiative, play with it for a while but take no action, and wait for the next initiative to repeat the cycle. Such insensitivity undermines the institutional capacity for self-government in Puerto Rico, with considerable hardship on our society and on the U. S. Treasury.

On status, the debate has raged in Puerto Rico during this second half of the century. Independence, Statehood and Commonwealth are options laden with conflicting values and deeply held beliefs. The options divide the people and breed unending conflict, at worst bloody, at best bitter and destructive, and always sterile. At least, 75% of the voters of Puerto Rico align themselves with status options, as opposed to candidates, programs or solutions to pressing problems. This distorts

governance in a serious way. It is as if breaking up the Union into 50 pieces, or redefining the states to cut their number in half, were the only dominant issues in every presidential election in the U. S.

It should come as no surprise that the quality of life has deteriorated in Puerto Rico. We have the highest rate of unemployment in the U. S., one of the very highest crime rates, above average rates of divorce, single parent families and unwed mothers, the highest rate of births under normal weight, and the highest percent population under the poverty line, 55% as opposed to the 10% national average. To make matters worse, annual economic growth, which during the first two decades of Commonwealth was around 9%, has plummeted, to around 3% in the last decade, due mostly to the uncertainty facing investors as to the additional layer of taxes under the proposed statehood option.

Puerto Rico has taken numerous initiatives to resolve the status problem. Since 1967 they have taken the form of plebiscites. The first, held that year, yielded a 60% vote for Enhanced Commonwealth. The statehooders successfully blocked Congressional implementation of the results. The second was a tripartite effort that I led as Governor, between 1989 to 1991, to obtain Congressional legislation for a plebiscite with the three options and commitment by Congress to honor the results. It floundered because, although a House bill got unanimous approval, the Senate's Energy Committee was unwilling to countenance statehood as one of the plebiscite options. The third, a local plebiscite in 1993 promoted by the statehood government after its stunning victory in the 1992 general election, was won by Enhanced Commonwealth with 48.6% of the votes. Statehood followed with 46.3% and independence obtained 4.4%.

The White House reacted to that plebiscite by creating a useless Task Force and the pro-statehood resident commissioner in Congress from Puerto Rico, got his Chairman in the House Resources Committee, the Hon. Donald Young, to repudiate the people's request for an Enhanced Commonwealth and to file HR 856.

In its heavy handed attempt to engineer a statehood victory, this bill ignores a whole set of constitutional rights vested upon the people of Puerto Rico. These rights define the framework for the exercise of self-determination. They are: U. S. citizenship; the right to vote under a republican form of government structured by the Commonwealth Constitution; and the compact defining the relationship between Puerto Rico and the United States.

This legal framework is beyond Congressional tinkering or manipulation. It may be changed by the consent of the Puerto Rican people in a fair plebiscite. The plenary power to govern territories was prudently exercised to grant to Puerto Ricans fundamental rights to democratic self-government vested with the protection of the U. S. Constitution. Self-determination must proceed from the structure created under the exercise of these rights. Self-serving interpretations of the U. S. Constitution notwithstanding, Congress can not undo this structure, or denigrate it, in order to gain support for statehood on the ballot.

The Commonwealth relationship provided for constitutional democracy in Puerto Rico, with a scope akin to that of state governments, and generic consent to Congressional legislation within the framework of the compact. This generic consent was viewed by Commonwealth supporters as a democratic deficiency to be corrected in the future within a compact otherwise satisfactory and based on the will of the people.

Under the generic consent provided, the policy of Congress has been to apply to Puerto Rico with minor variations those laws which it applies to the states of the Union. This policy has engendered dependency. A contrary policy of devolution of powers, including international representation, which the Congress is also free to follow under the compact, could better stimulate economic development and engender self-reliance in Puerto Rico.

Statehooders, claiming denial of their rights to vote for the President of the United States and Senators and Congressmen, and Independentistas, wanting to vote for their own President and Congress, have always contested the democratic nature of the compact, branding it as the worst form of colonialism. Both have mounted a full scale attack on the U. S. Congress to eliminate the Commonwealth option, denouncing it as inherently undemocratic because Congress legislates over Puerto Rico without our having voting representatives in that body. Commonwealthers have defended the compact, but have also strived for its modification to resolve the problem of generic consent by devolution and by creative mechanisms of participation.

The conflict resolution mechanism for this confrontation has been thought to be the status plebiscite. But the plebiscite mechanism engenders more conflict. The initial conflict, which we now face, is over the ballot. Given a fair ballot, if the winner is statehood, the margin will be too slim to be acceptable to Congress and conflict will continue. If we are admitted to the Union under such conditions, the Quebec type conflict over the legal adaptation of the Union to a distinct society such as Puerto Rico will never end. On the other hand, Statehooders have already demonstrated how a President friendly to them --Gerald Ford-- can block the implementation

of a 60% vote for an enhanced commonwealth. Under the best of circumstances a plebiscite will always leave a deeply divided Puerto Rico.

The bitter status conflict in Puerto Rico can only be defused by finding the common values that underly all the positions of the conflicting parties. These values center on the resolution of the democratic deficit in the present compact. The time has come to accept political realities and work pragmatically toward the common goal of addressing that deficit. This requires casting aside the zero-sum mentality inherent to the plebiscites.

The people of Puerto Rico should be offered the opportunity by Congress to vote on the question of whether they wish the present compact to be amended in order that Puerto Rico may be governed in a fully democratic manner. If they vote yes, negotiations towards that end would ensue. These negotiations would lead to the perfection of Commonwealth. If they vote no, this would open the door for the traditional process of petitioning Congress for statehood to begin. Only the process of successive petitions with growing majorities over a period of time, can evidence the will for a satisfactory entrance into the Union.

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