



Published by the **COUNCIL ON FOREIGN RELATIONS**

**Subscribe**

**Logout**

**My Account**

Printer-friendly

## **Doing Right by Puerto Rico: Congress Must Act**

By Rafael Hernandez Colon

From *Foreign Affairs*, July/August 1998

**Summary:** Plebiscites only create division. Congress must enhance Puerto Rico's autonomy and representation.

A century after the United States invaded Puerto Rico, the question of self-determination for the Puerto Rican nation remains unresolved. Independence, as espoused by Legislative Assembly Senator Ruben Berrios Martinez, is not the answer ("Puerto Rico's Decolonization," November/December 1997). Public opinion polls show that only five percent of Puerto Ricans support that option. But proposals for statehood or commonwealth remain deadlocked within both Puerto Rico and Congress.

Although a bill designed to assure statehood passed the House in March, Senate Majority Leader Trent Lott (R-Miss.) has signaled that the Senate is unlikely to act on it this session. Once more, the resolution of the status of Puerto Rico has been left hanging. It is morally unacceptable, unfair, and harmful to Puerto Rico and the United States for Congress to relegate the issue to business as usual -- that is, do nothing, wait for a Puerto Rican initiative, play with it for a while but take no action, wait for the next initiative, and repeat the cycle. Such insensitivity undermines Puerto Rico's capacity for self-government, inflicts considerable hardship on its society, and drains the U.S. Treasury.

The status debate has raged in Puerto Rico for half a century, dividing the people and breeding unending conflict -- at worst bloody, at best bitter and destructive. At least 75 percent of Puerto Rican voters align themselves with status options rather than candidates, programs, or solutions to pressing problems. This orientation distorts governance. It is as if choosing to break up the United States into 50 pieces or redefine the states to cut their numbers in half were the only issue in every presidential election.

### **THE DEMOCRATIC DEFICIT**

All factions do agree on the need to end the present undemocratic arrangement, whereby Puerto Rico is subject to the laws of Congress but cannot vote in it. The bitter status conflict in Puerto Rico can be defused only by finding the common values that underlie all the positions of the conflicting parties. The time has come to work toward the common goal of addressing the democracy deficit.

Unsurprisingly, the quality of life in Puerto Rico has deteriorated. The commonwealth has the highest rate of unemployment in the United States, one of the highest crime rates, above-average rates of divorce and single parenthood, the highest rate of below-normal-weight births, and the highest rate of poverty -- 55 percent as opposed to 10 percent in the United States. To make matters worse, economic growth, which during the 1950s and 1960s was about 9 percent per year, has plummeted in the last decade to about 3 percent, mostly because of investors' fears of the higher taxes statehood might bring.

Despite two plebiscites in 1967 and 1993 showing a popular preference for an enhanced commonwealth,

the current bill attempts to engineer statehood by defining "commonwealth" in such a way as to ignore a whole set of constitutional rights -- U.S. citizenship, non-territorial status, the ballot in plebiscites -- vested in the Puerto Rican people. The commonwealth relationship, in effect since 1952, provided for constitutional democracy with a scope akin to that of state governments and gave generic consent to congressional legislation. Commonwealth supporters viewed this generic consent as an undemocratic deficiency to be corrected in the future. Congress has applied the laws passed over the states to Puerto Rico, with minor variations, which has engendered dependency. A contrary policy of devolution of powers over such matters as economic regulation, "open-skies" policies, international agreements and representation -- which Congress is free to follow under the existing compact -- could better stimulate economic development and self-reliance.

Proponents of statehood, who want the right to vote for the U.S. president and Congress, and independentistas, who want to vote for their own president and congress, have always disputed the democratic nature of the current compact, branding it the worst form of colonialism. Both have mounted a full-scale assault on the U.S. Congress to eliminate the commonwealth option from the plebiscite. Proponents of commonwealth have defended the compact but have also striven to modify it to resolve the problem of generic consent by devolution and creative mechanisms of participation.

#### A TROPICAL QUEBEC?

The status plebiscite, seen as the solution to this dispute, will only engender more conflict. If statehood wins, the margin will be too slim to be acceptable to Congress, and the strife will continue. If Puerto Rico is admitted to the union under such conditions, conflict like that embroiling Quebec -- over the legal adaptation of a nation to a distinct society with a separate language -- will never end. On the other hand, a president friendly with statehood forces can block the implementation of a vote for an enhanced commonwealth, as Gerald Ford did in 1976. He disregarded a new compact worked out in response to the 1967 plebiscite by a high-level joint U.S.-Puerto Rico task force and submitted a statehood referendum to Congress. Either way, a plebiscite will leave Puerto Rico deeply divided.

Congress should offer the people of Puerto Rico the opportunity to vote on amending the commonwealth to enable Puerto Rico to be governed in a fully democratic manner. If they vote yes, negotiations toward the perfection of commonwealth would ensue. If they vote no, that would open the door to the exercise of the inalienable right to independence, if the people so wish, and to the traditional process of petitioning Congress for statehood. Only a process of successive petitions with growing majorities can establish that the will for full membership in the United States -- and all that will require -- is there.

Rafael Hernandez Colon was Governor of Puerto Rico from 1973 to 1976 and from 1985 to 1992.

---

[Home](#) | [Subscribe](#) | [Current Issue](#)

Copyright 2002--2008 by the Council on Foreign Relations. All rights reserved.