

**THE CHALLENGE OF PUERTO RICO:  
RESOLVING STATUS ISSUES**

By Rachel M. Gisselquist

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## The Problem of Puerto Rico, 2000

By Rachel M. Gisselquist<sup>1</sup>

The question of political status dominates Puerto Rican politics. While political party platforms have a number of planks, what truly differentiates Puerto Rican political parties is their stance on Puerto Rican political status. The ruling New Progressive Party (Partido Nuevo Progresista—PNP) supports statehood. The opposition Popular Democratic Party (Partido Popular Democrático—PPD) supports the commonwealth arrangements. The socialist Puerto Rican Independence Party (Partido Independentista Puertorriqueño—PIP) is the voice of independence in the legislature.

Puerto Rico is neither a state nor an independent country. In 1952, the U.S. territory of Puerto Rico was named the “*Estado Libre Asociado de Puerto Rico*”—in English, the “Commonwealth,” rather than the “freely-associated state,” of Puerto Rico—although only the local government had changed and the islands’ fundamental relationship to the U.S. had not. Puerto Rico is a jurisdiction of the U.S. and exercises state-like authority over local affairs, but it does not have votes in the federal government.

To the questions: What is wrong with Puerto Rican status today? Is clarification or change necessary? many Puerto Ricans have a host of political, economic, and cultural answers. They ask the *next* questions: What is the best new or clarified status for Puerto Rico? What procedures should be followed to influence the Puerto Rican people and/or the U.S. government to readdress the status issue appropriately? Yet, despite decades of debate and three plebiscites on status, Puerto Rico is still searching for answers to the second set of questions. It thus lacks a certain basis upon which to build for the future. If its status were to change, so would trade, welfare, and education policy; investment planning; the tourism and shipping industries; and other aspects affecting the lives of the 3.8 million Puerto Ricans in Puerto Rico and about 3 million in the U.S.<sup>2</sup>

One part of the problem is that the Puerto Rican public is split on the answers. The other significant part is that the U.S. government shares with Puerto Rico the power and responsibility to define Puerto Rico’s status. And, while Puerto Ricans as a group have a clear interest in changing, or at least clarifying it, most non-Puerto Rican Americans do not. Congress would gain Democratic, rather than Republican, Puerto Rican legislators if statehood were achieved, which adds to gridlock in Washington on this issue.

On May 5-6, 2000, the World Peace Foundation, together with the Puerto Rican Ateneo Puertorriqueño, Strategy Group International, and Análisis Inc., sponsored a meeting in Washington, D.C., to discuss U.S. national policy toward Puerto Rico. Nine high-level Puerto Ricans and six senior non-Puerto Ricans participated, including former and current government officials, diplomats, political analysts, and academics. A list of participants is included at the end of this report. (Notably, none of the invited congressional representatives or members of their staff chose to attend the meeting.) Participants reviewed the history of U.S.-Puerto Rican relations and discussed Puerto Rico’s current status and policy options. Their discussion is presented in the edited transcript that follows this introduction.

The 2000 meeting marked the second World Peace Foundation conference on Puerto Rico. The WPF’s 1983 Washington conference, and subsequent book, *Puerto Rico: The Search for a National Policy*, edited by Richard J. Bloomfield, similarly “grew out of a conviction held by several of the participants that the perennial debate about

Puerto Rico's 'status' ... had reached a dead end and that a fresh approach was needed."<sup>3</sup> *Puerto Rico* focused on the economy and the status issue in U.S.-Puerto Rican relations, serving as one of several key studies of these questions in the 1980s.<sup>4</sup> While the 2000 meeting demonstrated a stronger consensus that the U.S. had a responsibility somehow to act to clarify, or to assist Puerto Rico in clarifying, its current status, many of the critical issues remained constant.

## **POLITICS**

The U.S.-Puerto Rican relationship began in 1898. A year earlier, Spain had agreed to grant autonomy to Puerto Rico, but that year, it ceded Puerto Rico, along with the Philippines and Cuba, to the U.S. after a bitter, brief war. Through the Foraker Act two years later, Puerto Rico became a non-incorporated territory of the U.S. Its executive council and governor were appointed by the U.S. president. The passage of the Jones Act in 1917 gave Puerto Ricans U.S. citizenship and an elected senate, but the U.S. executive branch continued to appoint officials and maintained control of government, even in internal matters.

In the late 1940s, Luis Muñoz Marín's PPD successfully pushed a proposal for self-government through the U.S. Congress. Designed by Muñoz to be a compact between the U.S. government and the Puerto Rican people, Public Law 600 was approved both by the U.S. Congress and by Puerto Ricans in referendum. Puerto Rico's constitution came into force in 1952. The next year, the passage of UN Resolution 748 took Puerto Rico off the UN's list of non-self-governing territories.

Criticism of Puerto Rico's new status, nevertheless, came from both within Puerto Rico and other countries. Internally, there were strong movements for statehood and independence. Externally, the Soviet Union and Cuba urged the UN to reconsider what they described as Puerto Rico's disguised colonial status.<sup>5</sup> Partly to counter this pressure, President John F. Kennedy supported plans for a plebiscite on Puerto Rico's commonwealth status, which eventually was held in 1967.

The 1967 plebiscite showed that the majority of voters (60.5 percent or 425,000 of 702,500 voters) favored commonwealth status, while a still significant 38.9 percent supported statehood.<sup>6</sup> The 1968 elections brought statehooders to power, and thus it was not until 1972, when the pro-commonwealth PPD gained office, that the Puerto Rican government tried to implement the 1967 plebiscite. The federal government, too, failed effectively to act on the 1967 results. Later, Presidents Gerald Ford, Ronald Reagan, and George Bush all expressed personal preference for statehood, but like President Jimmy Carter, Reagan and Bush also made clear that they would abide by local choice. In 1978, Carter offered "alternative futures" to Puerto Rico, stating that "whatever decision the people of Puerto Rico may wish to take – statehood, independence, commonwealth status, or mutually agreed modifications in that status – it will be yours. ..."<sup>7</sup> From 1989 to 1991, Congress tried, but failed, to offer such alternatives to Puerto Rico.

In the November 1993 plebiscite, pushed through by the current and then governor, Pedro J. Rosselló of the PNP, the commonwealth option won again, this time with a slimmer percentage of 48.4 percent, trailed by statehood at 46.2 percent, and independence at 4 percent. While the vote was generally regarded as fair, the unrealistic way in which the commonwealth option was defined and its failure to gain a majority meant that the plebiscite failed to establish a mandate for change.

In 1997, U.S. Representative Don Young authored a new referendum bill on status. A substantially amended Young bill passed the House, but companion legislation was blocked in the Senate. Governor Rosselló held a plebiscite on status in December 1998, but the results were not binding on the U.S. Congress. The plebiscite offered five choices: “territorial” commonwealth (designed to describe the current status); free association; statehood; independence; and “none of the above.” Seventy-one percent of registered voters participated. The “none of the above” option won a slight majority with 50.3 percent of the vote. This option was supported by the PPD which, while pro-commonwealth, objected to the form of commonwealth described in the plebiscite. Although, as in 1993, over 50 percent of Puerto Ricans had not voted for statehood, some PNP leaders described the plebiscite as support for their position, pointing out that 94.1 percent of the votes in the first four categories went to statehood.

### **ECONOMICS**

The nature of the economic relationship between the U.S.-Puerto Rico also continues to lend inertia to the status issue. While Puerto Rico’s economy in terms of total GDP per capita is among the strongest in the Caribbean, it is also dependent on trade with the U.S. and on substantial federal transfers and tax advantages. As Juan M. García-Passalacqua pointed out at the 2000 meeting, food stamps and government employment are the power bases of political parties. Parties weigh, and manipulate, the actual, expected, and potential advantages and disadvantages of each status option. The U.S. government and corporations do likewise. With independence or free association, for example, Puerto Rico, unhindered by the Jones Act’s regulation of shipping, might develop its port facilities and shipping industry, creating profitable trading partnerships and benefiting from backward linkages in the economy. But, it also might lose its privileged trading position with the U.S., and some U.S. corporations might flee, with their jobs and capital. With statehood, federal benefits and relations might be more secure for Puerto Ricans, but the tax bite might be larger.<sup>8</sup>

In 1999, Puerto Rico’s real GNP growth was 4.2 percent and has been about 3 percent since 1993.<sup>9</sup> GDP growth (i.e., the value of economic output produced *in* Puerto Rico – including in offshore U.S. companies—as opposed to that produced by Puerto Rican residents) has been still higher.<sup>10</sup> GDP and GNP per person have likewise grown and are higher than in many other Caribbean states, but are still well below the U.S. average. The Puerto Rico Planning Board estimates that per capita income in Puerto Rico is a little over \$7,000 per year.<sup>11</sup>

Since the 1950s, the Puerto Rican economy has shifted from dependence on the sugar industry to one in which 43 percent of GDP is from manufacturing, 33 percent from other services, 13 percent from wholesale and retail trade, and less than 1 percent from agriculture.<sup>12</sup> A large portion of manufacturing, much of which is now high-tech rather than labor-intensive, is by offshore U.S. companies. Puerto Rico has shifted from manufacturing apparel and textiles into the pharmaceuticals, metals, and machinery sectors. The Rosselló administration has also focused successfully on development of the tourism industry, which contributed about 12 percent to GDP in 1999.<sup>13</sup>

Many observers attribute Puerto Rico’s high economic growth rates, especially in the 1950s and 1960s, and the development of high-tech manufacturing since the mid 1970s, mainly to federal tax incentives, quotas, the inclusion of Puerto Rico within the U.S.

customs zone, and financial integration with the U.S., along with the attraction of Puerto Rico's lower wage rates for U.S. corporations. In 1999, almost 90 percent of Puerto Rico's exports went to the U.S. and about 60 percent of its imports were from the U.S.<sup>14</sup> Section 936 of the U.S. tax code gave U.S. firms incentives to invest and reinvest in Puerto Rico, granting federal tax credits for corporate earnings there and exemptions for federal taxes on income from reinvestments. Some economists have argued that section 936 is no longer good for Puerto Rico, if it ever was. In 1995, House Republicans proposed ending it. In response, Governor Rosselló and President Clinton advocated that it be replaced with section 30A which would provide established firms with a wage credit for a limited period.<sup>15</sup>

Political parties' use of "foodstamps and government employment" policies has been at the expense of more durable solutions to real problems of welfare and the structure of the economy. Public services employ more Puerto Ricans (about 26 percent) than any other sector.<sup>16</sup> The unemployment rate averaged 14.6 percent in the 1990s and was 12.5 percent in 1999.<sup>17</sup> A large portion of the working age population has opted out of the legal labor market and the formal sector economy. The labor participation rate was 47 percent in 1999.<sup>18</sup> Federal grants account for a significant share of Puerto Rico's government revenue, almost 32 percent in 1997/1998.<sup>19</sup> More than half of Puerto Ricans receive these grants.

#### **THE NAVY**

Despite the U.S. government's unclear overall interests, one U.S. agency has had a consistent position on Puerto Rico: the U.S. Navy. The Navy has conducted tactical exercises on Vieques Island for sixty years. Vieques is *the* site where the Atlantic fleet can prepare for conflicts by "conduct[ing] simultaneous air, sea, and amphibious training using live munitions."<sup>20</sup> The U.S. Navy thus maintains that operations there are vital to national security. Not surprisingly, many on the island, and others, argue that these exercises pose serious health risks to locals and are harmful to their environment. And, because the Navy employs few people from the community and the U.S. government pays no rent or fees for the bombing range, critics charge that the exercises stunt the island's economic development.

In April 1999, the controversy over Vieques came to a head when two-500 pound bombs were launched off-target, killing David Sanes Rodriguez, a civilian security guard. Sanes' death, reportedly the first direct fatality of the Vieques exercises, prompted protesters to occupy the bombing range. They blocked the front gates and remained in the range for over a year, staying in about a dozen campsites. On May 1, 2000, three U.S. warships carrying a thousand Marines arrived near Vieques. Four days later (and the day before the World Peace Foundation's Washington meeting), U.S. federal agents raided the camp and evicted about 140 trespassers. U.S. Marines from the ships were deployed to secure the range. The Navy has since agreed to use of dummy bombs, rather than live munitions, and to leave Vieques by May 2003, if Vieques' residents for that in a referendum in 2001.

## **POLICY OPTIONS**

The Vieques incident was a turning point in U.S.-Puerto Rican relations. Many Puerto Ricans—across all political parties and social classes—saw it as a demonstration of the federal government’s real and unjust power in Puerto Rico’s affairs. But, will the Vieques imbroglio mean that solutions to the status questions will be forthcoming? Some skeptics recall that when Muñoz was “asked whether a particular event constituted a turning point for Puerto Rico,” he responded that “when you are traveling in a circle every point is a turning point.”<sup>21</sup> Despite the circuitous record of the last fifty years, this type of response to the Vieques incident is too glib. The Washington participants at the 2000 meeting were realistic, and saw options for change.

Without revisions to U.S.-Puerto Rican policy, they noted, any more Puerto Rican plebiscites on status are likely to be inconclusive while general Puerto Rican discontent, from all three sides, will continue and grow. The Vieques incident, in particular, demonstrated that Puerto Rico’s “commonwealth” status meant something less to the U.S. government than it meant to many on the island. Both Puerto Ricans and the U.S. government need to find a way to focus together on this issue. Policy solutions will be found not by re-clarifying the historical record and re-hashing old debates, but by creating a clear, well-defined list of *feasible* status options from which Puerto Ricans can choose.

Antonio Fernós and Peter Rosenblatt provided a starting point for this list of options: independence, integration with the U.S., real free association (as opposed to the current status), and the current status. Others wanted a joint U.S.-Puerto Rican committee to refine the list of meaningful options. A Puerto Rican discussion at the White House covered these questions in late June 2000.

Thus, the first task is to develop a “procedural” way to address and pose the status question. If the committee instead focuses on evaluating “substantive” issues before the options are clarified and attempts definition with preferred statuses in mind, it will fall into the same abyss in which the status-focused Puerto Rican political parties find themselves. Once the joint committee has created a list and Puerto Ricans have chosen from among the options, Puerto Rico will have the opportunity to focus on questions of national identity. Those on the sides of the losing statuses will need to be brought in. This part of the process will be substantive, very controversial, and with winners and losers, and long-term.

## NOTES

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- <sup>1</sup> I am grateful to Jeffrey Farrow, Juan M. García-Passalacqua, and Robert I. Rotberg for comments on the draft report.
- <sup>2</sup> Economist Intelligence Unit, *Dominican Republic, Haiti, Puerto Rico – Country Profile, 1999-2000* (London, 2000), 59.
- <sup>3</sup> Richard J. Bloomfield (ed.), *Puerto Rico: The Search for a National Policy* (Boulder, 1985), ix.
- <sup>4</sup> See also Jorge Heine (ed.), *Time for Decision: The United States and Puerto Rico* (Lanham, MD, 1983).
- <sup>5</sup> See Robert A. Pastor, “Puerto Rico as an International Issue: A Motive for Movement?” in Bloomfield (ed.), *Puerto Rico*, 102-104.
- <sup>6</sup> Arturo Morales Carrión, “The Need for a New Encounter,” in Bloomfield (ed.), *Puerto Rico*, 20.
- <sup>7</sup> Juan M. García-Passalacqua, “The Puerto Rican Status Question: Changing the Paradigm,” in Bloomfield (ed.), *Puerto Rico*, 141, and Government Printing Office, *Digest of U.S. Practice in International Law* (Washington, D.C., 1980), 171-172, as quoted in *ibid.*, 156.
- <sup>8</sup> See U.S. General Accounting Office, *Tax Policy: Analysis of Certain Potential Effects of Extending Federal Income Taxation to Puerto Rico*, Report to Congressional Requesters, GAO/GGD-96-127 (Washington, D.C., August 1996).
- <sup>9</sup> Economist Intelligence Unit, *Dominican Republic, Haiti, Puerto Rico – Country Report, April 2000* (London, 2000), 33.
- <sup>10</sup> U.S. General Accounting Office, *Tax Policy: Puerto Rican Economic Trends*, Report to the Chairman, Committee on Finance, U.S. Senate, GAO/GCD-97-101 (Washington, D.C., May 1997), 4.
- <sup>11</sup> 1998 from the Puerto Rican Planning Board as cited in Government of Puerto Rico, “Demographic and Socio-Economic Trends in Puerto Rico,” located at <http://www.budget.prstar.net/ingles/inforefe/demog.htm>, 06/09/00.
- <sup>12</sup> Puerto Rico Planning Board as cited in EIU, *Country Profile*, 75.
- <sup>13</sup> EIU, *Country Profile*, 62.
- <sup>14</sup> 1999 figures from EIU, *Dominican Republic, Haiti, Puerto Rico – Country Report, 1st Quarter 2000* (London, 2000), 29.
- <sup>15</sup> See U.S. GAO, *Puerto Rican Economic Trends*.
- <sup>16</sup> 1997/1998 from the Puerto Rico Planning Board as cited in EIU, *Country Profile*, 76.
- <sup>17</sup> Government of Puerto Rico, “The Economy of Puerto Rico During Fiscal Year 1999 and Perspectives for Fiscal Year 2000,” located at <http://www.presupuesto.prstar.net/ingles/inforefe/capecono.htm>, 05/30/00.
- <sup>18</sup> Government of Puerto Rico, “Demographic.”
- <sup>19</sup> Puerto Rico Planning Board, *Economic Report to the Governor*, as cited in EIU, *Country Profile*, 75.
- <sup>20</sup> CNN, “U.S. Agents Break Up Vieques Protest; Reno Praises Operation,” May 4, 2000, located at <http://www.cnn.com/2000/WORLD/americas/05/04/vieques.03>, 06/26.
- <sup>21</sup> From Ben Stephansky as described in Robert A. Pastor, “Puerto Rico as an International Issue,” in Bloomfield (ed.), *Puerto Rico*, 101.

## **Puerto Rico: The Search for a National Policy in an Election Year**

*A Summary of the Discussions*<sup>1</sup>

May 5-6, 2000 – Washington, D.C.

Edited by Rachel M. Gisselquist

### **VIEQUES**

JUAN M. GARCÍA-PASSALACQUA: The U.S. military intervention in Vieques (that made front page news in fourteen U.S. papers) demonstrates the pertinence and urgency of this meeting. The “fig leaf” of Puerto Rican self-government has fallen off, and the reality of a military colony is upon us. This crisis should prompt the U.S. government to deliver proposals to get us through this dangerous crisis between the U.S. and Puerto Rico one century after the first bombing of San Juan on May 12, 1898.

EDUARDO MORALES COLL: Beneath Vieques is the problem of Puerto Rico. Vieques is a mini-picture of the real problem of Puerto Rico.

DAVID NORIEGA: I agree with García-Passalacqua’s opening statement. It really is a shame what happened yesterday. There is no rational explanation for why a small, inhabited island of almost 10,000 Puerto Ricans should suffer the consequences of military practices and bombings by the U.S. Navy. You cannot please the U.S. Navy and the people of Puerto Rico at the same time— you need to take a stand.

There is a policy vacuum in Puerto Rico. Until it is filled, the status quo prevails. There is a growing nationalism in Puerto Rico, and the action in Vieques has triggered more nationalism on our island. Beyond party politics and political organizations, Vieques has touched many streams in Puerto Rico. You cannot leave future policies in Puerto Rico to the Navy, so an effort should be made to reach a consensus on a civilian policy for Puerto Rico.

ANTONIO FERNÓS LOPEZ-CEPERO: I believe that something not magical, but really profound, happened yesterday in Vieques. [Across ideological, economic, and sociological groups,] the basic issue is clear now: i.e., who owns Vieques? As Vieques is a constitutional municipality of our body politic, who owns Vieques is equivalent to: who owns Puerto Rico? Are Vieques and Puerto Rico owned by the Congress of the U.S., under whatever clause you want? Or, are Vieques and Puerto Rico owned by the executive branch of the government of the U.S.? Or, is Vieques owned by the people who were born there, lived there, loved there? The point is that it seems now that everyone there is claiming that “we own Vieques,” and that issue, I think, for the first time in those words, is here for us now.

JOSE MILTON SOLTERO: The problem of Vieques is a political problem. It is a problem between two nations—the U.S. and Puerto Rico. It is also a very important problem of

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<sup>1</sup> This transcript has been edited for clarity and readability. Some statements have been reordered to assist the reader in following the discussion of specific issues. Meeting participants submitted written statements, and some text from these statements, if referred to in the discussion, has been added. Complete written statements are on file at the World Peace Foundation.

human rights. What is happening is a genocide for the people of Vieques. There has been a lot of investigation of medical conditions of our brothers in Vieques—there has been, for example, a high increase in cancer and big problems with [asthma and pulmonary conditions]. That’s really what we should know. That’s really why we in Puerto Rico have a big consensus—for the first time, Catholics, Protestants, everyone—that we cannot continue with the bombing of Vieques because we will kill our brothers.

NÉSTOR DUPREY-SALGADO: The problem is not the Navy bombing of Vieques; the problem is: bombing or not bombing, we haven’t had a rational way to deal with Puerto Rican differences with the U.S. The first thing we need to clarify in order to solve our differences is: what’s our reality? For many Puerto Ricans, I think that yesterday was like the day you discovered Santa Claus didn’t exist. Many Puerto Ricans thought that we had a government, but for four or five days, the government was U.S. Admiral Kevin Green. We need to decide if we will work on a crisis-to-crisis basis or organize what to do. For that, we Puerto Ricans need to decide what’s possible and what’s not. We need to separate political myth from political realities. We cannot have the best of both worlds in terms of the political status of Puerto Rico.

[In addition], the U.S. needs to decide if Puerto Rico, like the rest of the territories—the Philippines, Guam, the Trust Territories of the Pacific—is a problem that needs a bipartisan way to deal with it. If we can solve these problems in our minds and attitudes, we can identify a way to solve this issue.

ERICK G. NEGRON RIVERA: Many times I’ve thought that if the process of 1989-1991 had been completed, we would not have the Vieques problem. What we are seeing is not an accident; the bomb is the drop that overflowed the glass. I do not like to attribute to the U.S. the entire fault, but I think the fact that the Congressional members invited here today have not been able to attend shows the fundamental problem.

JEFFREY FARROW: I would like to respond to García-Passalacqua’s statement, but also to comment on things said about Vieques, especially about the action in Vieques [on May 5, 2000]. I agree that the Vieques issue is largely symptomatic of the underlying problem of Puerto Rico. Puerto Ricans adopted a position on Vieques. One of the reasons that position was so important to them is because it reflected a rare consensus. It was not, however, accepted as proposed by the national government. Puerto Ricans were especially frustrated because—in this rare instance in which they agreed on an issue about which they cared very much—their will was still not determinative and it was a government in which they do not have votes that made the decision. The President [Bill Clinton] has observed that we would have less of a Vieques issue if we had a resolution of the status issue or a process for resolving it. Resolution means Puerto Rican empowerment and a clear and accepted process for resolving disputes.

The U.S. took Puerto Rico in 1898. Since that time, Puerto Rico has been under U.S. sovereignty. The U.S. has granted Puerto Rico the exercise of self-government in local affairs. Military activity is not a local affair. It is a national government decision and, again, part of the issue is that Puerto Ricans do not have votes in their national government.

A little over half a century ago, the national government decided that it wanted to do

military training in Vieques. Initially, the plan was to occupy all of Vieques. Eventually, the Navy got two-thirds of Vieques with the residents remaining on the island. In recent years, the Navy has concentrated its training of the Atlantic Fleet in Vieques. It is the only location where the Navy can currently do combined arms training that replicates battle conditions. There is no ready, reliable alternative for some of the training done there.

The relationship between the Navy and the community on Vieques has been deteriorating for many years. The people of Vieques have primarily had contact with the military by seeing bombs explode, but have had little contact with military personnel who were stationed on the main island of Puerto Rico. There was little Navy spending in the community. There were concerns about safety and impacts on health, the economy, and the environment. The accidental bombing of the observation post led to a consensus that the bombing ought to stop and that the Navy should leave.

The elected representatives of Puerto Rico have pressed that issue with enormous success in the federal government. On January 31, 2000, Governor Pedro Rosselló entered into an agreement with the President, that was worked out with the Navy as well, that can accomplish all of their goals in this matter. The Navy's use of explosive ordnance on Vieques has been halted. The Navy will not train in Vieques more than 90 days a year. Training will end entirely less than three years from today if the people of Vieques vote for it. This is the first time that a Commander-in-Chief has delegated such a decision to the people of a local community. This is justified in this case only because these are citizens without voting representation in an area that is not fully incorporated into our country. If Congress agrees, we will undertake projects to address the health, economic, and environmental concerns of the community. In addition, 40 percent of the Navy's land will be transferred this year to local ownership. There has been talk of cancer. We've received no evidence that there's such a relationship, but we have received Puerto Rican concern that there is a relationship. If there were evidence, we would not conduct activity there. The agreement provides funds to study the concern to make sure there is no relationship. There are a number of other economic and environmental complaints. All of these are addressed by the agreement. The Navy has taken the extraordinary step of publicly admitting that it has been a bad neighbor.

[The Navy] still needs some training on Vieques, however. It can now replace some of the training that it has done in the past there, and it can replace all at some point, but it needs Vieques now for some. The training involves the use of serious weapons. Before we send young men and women into combat, they need to practice with those weapons. We have ships that need training this year and will over the next few years. The Navy has recognized that it may need to leave Vieques, but, while it looks for an alternative, there's some element of training need that can't be met immediately elsewhere. The Navy does not want to leave and will try to win enough support on Vieques to stay, but is committed to leave if it does not. The majority view in Congress is that the Navy should be able to stay and use explosive ordnance on Vieques, but the Navy has learned that the measures provided for by the agreement are needed and appropriate.

Puerto Rico does not exercise sovereignty on national government matters such as military decisions. It is the President's strong feeling, and mine, that if the people of

Puerto Rico want national sovereignty—and thus military powers—they should have it. They also ought to participate in national decisions within the government of the U.S. if they want to. But, at present, Puerto Ricans have chosen neither status. The Vieques issue helps point us to the need to resolve the status issue.

ANTHONY MAINGOT: I look at the Puerto Rican case in the Caribbean context. It is an issue within the American system and the paradigms of how policy is made in this country. The Navy has abused Vieques far too long. Far from going away, the geo-strategic importance of Puerto Rico will increase.

PETER ROSENBLATT: I agree that Vieques is a symptom rather than a cause, so we should concentrate on the causes. It strikes me as not dissimilar from the problem that every civilized society has in allocating space for unpleasant activities. We do live in a democracy. One that's imperfect to say the least, and the future needs to be worked out. However, I think we should avoid describing Vieques as a military colony. A military colony is Chechnya, not Vieques. The Vieques problem is something we need to address as a serious public issue. We should consider it from two dimensions: (1) the internal Puerto Rican dimension and (2) [U.S. territorial policy, i.e.] that the federal government since the admission of Alaska and Hawaii has lacked a territorial policy. It has lacked a policy on a range of options. I don't think the U.S. has ever said that any of those options, except statehood, is not within the reach of Puerto Ricans, if they so decide. But, the tendency on the part of the federal government has been to shrug off the issue by saying that it is up to the citizens of the territory, i.e., it's the direct analogue of the other [dimension of the issue].

Obviously, this kind of disjunction can't continue if we're going to come to a solution. I think that the situation of Puerto Rico now is largely indistinguishable from the situation of the other territories. The one mark that does distinguish Puerto Rico from the others is that Puerto Rico would be eligible for statehood if Puerto Ricans so decide. Puerto Rico has a large enough population and the wealth to occupy a position of a state. That is not so for the other territories.

Since it appears that the people of Puerto Rico will not vote for statehood in sufficient numbers, that, in my judgment, simplifies the issue for Puerto Rico and puts it in the same boat as the other territories. I thus propose examining the options for territories.

STEPHEN ROSENFELD: First, I wish to express my congratulations to Puerto Rico for the law-abiding negotiations over Vieques. Second, I differ from Rosenblatt in half a respect. I think that the initiative for status must come from the people of Puerto Rico. I think that the moral obligation is so strong—and the potential political embarrassment so strong—that it would move the issue along.

CARLOS E. CHARDON: The people of Puerto Rico have become part of the U.S. Puerto Rico is of the U.S., and the people of Puerto Rico are part of the U.S., and that is the problem we find ourselves in right now. The dependence of the Navy on Vieques flies in the face of the repeated positions of the U.S. President that he favors free determination.

CARMEN ANA CULPEPER: For a long time, [the Puerto Rico Chamber of Commerce] only dictated economic policy. Recently, for the first time, we began to look at how to improve

quality of living and to be multi-sectoral. We also looked at military policy. We told the military that one of their problems [on Vieques] was with public relations. Basically, there has been no communication [with the people of Vieques]. We also found that there was little knowledge of the political process [on the part of most Puerto Ricans]. We did a forum on how to participate in the process. One of the most interesting things is that all of this has to be understood both from the U.S. and the Puerto Rican sides. I [thus] think that solutions have to be defined by both sides.

### **HISTORICAL FACTS AND FICTIONS: NATIONAL IDENTITY, U.S. LEGISLATION, AND STATUS**

GARCÍA-PASSALACQUA: I have three points. First, I think that what has happened since 1983 is that Congress and the Puerto Rican political elite have come to realize fifteen historical facts:

1. Puerto Rico was ceded to the United States and came under the U.S.'s sovereignty pursuant to the Treaty of Paris.
2. In 1917, Congress exercised its powers under the Territorial Clause of the Constitution (Article IV, Section 3, Clause 2) to provide for U.S. citizenship for Puerto Ricans.
3. Under the Territorial Clause, the Supreme Court made parts of the Constitution applicable to Puerto Rico.
4. In 1950, Congress prescribed a procedure for the internal self-government of Puerto Rico without altering Puerto Rico's fundamental territorial relationship with the U.S.
5. In 1953, the U.S. notified the United Nations that it would no longer transmit information regarding Puerto Rico pursuant to Article 73 (e) of its Charter. Thereafter, the General Assembly of the United Nations, based upon a Declaration issued on behalf of the President of the United States on November 27, 1953, that offered more autonomy or full independence, adopted Resolution 748 (VIII) accepting the U.S. determination.
6. In 1960, the UN General Assembly approved Resolutions 1514 (XV) and 1541 (XV), clarifying that under UN standards the three forms of full self-government are independence, free association based on sovereignty, or full integration with another nation on equal terms. On September 12, 1978, the Decolonization Committee interpreted those resolutions as applicable to the case of Puerto Rico.
7. The U.S. Supreme Court ruled in *Harris v. Rosario*, 446 U.S. 651 (1980), that Congress continues to exercise authority over Puerto Rico as a territory "belonging" to the U.S.
8. [In a] January 17, 1989, [letter signed by the leaders of the three main political parties] all political parties in Puerto Rico demanded that "the people of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status," since they had not been formally consulted since 1898.
9. On February 9, 1989, President George Bush urged Congress to take the

necessary steps to authorize a federally recognized process allowing Puerto Ricans, for the first time since the Treaty of Paris, to express their wish regarding their future political status. The U.S. Congress has not done so.

10. On November 14, 1993, the government of Puerto Rico conducted a plebiscite under local law, where none of the three status propositions received a majority of votes cast.

11. On December 2, 1994, President Clinton informed leaders in Congress that an Executive Branch Interagency Working Group on Puerto Rico had been organized to review policy.

12. On December 13, 1998, the government of Puerto Rico conducted another plebiscite under local law, where none of the four status propositions received a majority of the votes cast.

13. Under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine federal policy on status in order to resolve the issue.

14. Puerto Ricans, who are U.S. citizens, include nearly 4 million in the islands and another 3 million in the continental U.S. They constitute an ethnic nation, recognized as “The People of Puerto Rico” by section 7 of the Foraker Act of 1900, now part of the U.S. Federal Relations Act.

15. Full self-government for Puerto Rico is attainable only through the establishment of a political status consistent with UN Resolution 1541 (XV), including free association.

In other words, the fig leaf of self-government has fallen and the true reality of the relationship between Puerto Rico and the U.S. has become a fact. We now know that Puerto Rico is an unincorporated territory of the U.S. under the plenary and sovereign power of the Congress.

Second, we are facing the fact that Governor Luis Muñoz Marín’s theory of a freely associated compact based on the five pillars of commonwealth [common defense, currency, market, citizenship, and devotion to the principles of democracy] are metaphors. The metaphors have flown away and the stark fact is there.

Third, the reaction of the political elite in Puerto Rico has been completely different from the reaction of the civil society. Congress pulled the rug out from under the three parties. Civil society, led by the Churches, is moving very quickly to occupy the empty space in the political spectrum. In the last ten years, it has made it clear that a bilateral contract with five pillars is not true. And, demilitarized independence (a tenet of the Independence Party) is also not [available]. This makes free association the pertinent option at this time, to be offered in a yes-no vote.

MAINGOT: The alleged policy of self-determination, if understood as the American will to be decided by the Puerto Rican people, is a fallacy. The focus has shifted from what’s happening on the island to what’s happening in the U.S. If we are to understand the issue, we need to understand the organizational processes.<sup>2</sup> We have to look at U.S.

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<sup>2</sup> See Juan M. García-Passalacqua, “The Puerto Rican Status Question: Changing the Paradigm,” in Bloomfield

bureaucratic politics, and that process is in total disarray. The only U.S. department that has had a clear position with regard to Puerto Rico is Defense and, within that, the Navy.

We know that in 1993, 73.6 percent of Puerto Ricans went to vote in a plebiscite on status and that the majority wanted commonwealth status. In many ways, the 1998 plebiscite seems to vindicate García-Passalacqua's analysis in *Puerto Rico: The Search for a National Policy*. He calls for a monumental change of where the U.S. operates. He says that unless, and until, a clear unified policy is adopted by all branches, the situation will continue to deteriorate. [This is similar to] what Rubén Berríos Martínez said in *Foreign Affairs* [1977].<sup>3</sup> If this is so, then it requires a colonial act to decolonize Puerto Rico. It will require the U.S. to say: "I am the colonial master." The point is that this is the exact opposite of what is going on in the Caribbean right now. There, they are saying that "*we* will define what colonialism is" and "*we* will tell you when you can decolonize." That is upside-down colonialism. Puerto Rico now is arguing for the exact opposite position.

If the question is purely a matter of procedure, then we have a very serious argument. García-Passalacqua says that the problem is procedure. Puerto Ricans are too close to the trees to see the forest. One of the things I've noticed is that the substance of the matter, [nationalism,] has been [pushed aside]. Nationalism was placed outside the realm of the discussion of Puerto Rico.

Muñoz's "*la patria pueblo*" is nice sounding, but off the mark. You're dealing with sentiment. The point is that at any point this thing can fuse. What do we see in Puerto Rico? Privatization—they say *nosotros puertorriqueños*, we don't do things this way. The Olympics. The Miss Universe Pageant. These things have a cumulative effect that is difficult to measure. The problem is that just as Puerto Ricans are starting to accumulate the symbols for *la nación*, [Vieques] is becoming more important to the only department that ever gets its way—the Navy. It isn't only training. It also has to do with the war on drugs—in Colombia, Venezuela, flying out of Aruba and Curacao. There is a massive geopolitical reorganization of American defense forces. You're faced with a situation, and in the middle of that, Roosevelt Roads and Vieques become even more critical.

[I predict that] we will see an acceleration of Puerto Rican nationalism that will lead to a level of conflict necessary for any degree of social change. I'm not suggesting social conflict—Puerto Ricans have always been negotiators—but there will be an accelerated pace for social opposition and whichever party does that will be able to carry the day. In my personal opinion, the independence option is a good one because the world has changed.

MORALES COLL: [According to a 1992 poll commissioned by the Ateneo Puertorriqueño, my organization:] 97 percent of people on the island consider themselves Puerto Rican and only about 8 percent of Puerto Ricans consider themselves as Americans. So, I think we have to look carefully into what people say and feel. We can look at the evidence from language: 80 percent saw that both [Spanish and English] should be official languages.

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(ed.), *Puerto Rico*, 141-162.

<sup>3</sup> Rubén Berríos Martínez, "Independence for Puerto Rico: The Only Solution," *Foreign Affairs* CV (1977), 561-583.

When you question these people and ask “what language would you like to speak?” Puerto Ricans—98 percent—say Spanish. With family—97.2 percent, Spanish. To pray—97.2 percent, Spanish. With government employees, 96 percent, Spanish. With friends—95 percent, Spanish. Only 25 percent think they can speak English fluently or well.

ROTBURG: When these discussions occur there has to be a temporal dimension. Surely, as students of nationalism, we know that nationalism is always in a context. It is in the context of a relationship of over a hundred years. The linguistic characteristics of the U.S. are changing enormously. I hope we can discuss the context of nationalism.

FARROW: As far as the language issue, the U.S. is changing. Spanish is now becoming one of the significant languages of this country. Whatever the implications, the people in Puerto Rico are U.S. citizens. They spoke Spanish when we invaded, when we granted citizenship, and when we applied most laws to them. Ultimately, after 102 years, it should not be a disqualification for voting representation if they want it. If they do, it would not make our country more Spanish speaking in any real sense. Puerto Rico is a part of our country in most respects even if it is not in a strict constitutional sense and even if it will not always be. Whether everybody recognizes it or not, because of Puerto Rico, a part of our country has been largely Spanish speaking for a long time. [This] has not been a problem. The situation is an anomaly, but it exists. It will be less likely to be a problem as our country become more Hispanic. That’s part of the dynamics of how issues—and our country itself—change. Does this mean that Puerto Rico *should* be state? Not necessarily. It just means that the language most Puerto Ricans have always spoken should not be a bar to statehood.

CHARDON: The reality is the penetration of U.S. ways into Puerto Rico. We have to come to terms with the fact that our reactions are incredibly American. Our educational system has nothing that’s not American. And, there is another reality—that’s the “common *wealth*,” not the “Commonwealth.” How much do we have in common? How much wealth do we share?

NEGRON: [Yes, however,] let’s not confuse *influence* with *identity*. Spain would not be what it is today without its Muslim Arab influence, but that doesn’t mean it’s Muslim Arab. Puerto Rico has U.S. influence, but that doesn’t mean it’s American.

FERNÓS: “Commonwealth” is not a relationship, it is a name. The fig leaf metaphor [suggests that] we have lost our innocence. This would indicate that we were innocent. Some on the island have been called malicious. I don’t think we were innocent, but we were not malicious either. This is politics. This is the nature of struggle.

There is no way you can understand the difference between what people say and what they feel unless you understand the words people use to express themselves. People don’t want to call themselves “nationalist” because it means hating the U.S.—but [they also say:] “I want to pray, love, eat in Spanish. This is my flag.” But, the word “nationalism” is not appropriate.

Muñoz’s *la patria pueblo* was the acceptable way—something that, by the way, won’t get the Americans angry with us. Then, we started talking about *el país*, not *la nación*. It means the country, not the nation. The words just go around. Maingot seems to agree with me on one of my basic points: i.e., that substantial conflict is missing. I think the

reason is that the words weren't clear. Commonwealth is the official translation of "*estado libre asociado*." We called it first in Spanish and then it was translated into English. I think the historical record is clear that the constituents were worried that the use of the terms of "associated free state" would have created a problem in getting the bill through. Everyone wanted to get it through so that we could go to the UN and get Puerto Rico off the list of non-self-governing territories.

Puerto Rico's status was created to be a misunderstanding. Everybody seemed to need that. Everyone knew that the emperor was wearing no clothes. The problem is: if you don't [recognize] the problem, you can't find a solution. This goes about for everything we do, and you do that with language. The present leadership of the party is still using pre-Cold War language. They don't talk about the true relationship—the Federal Relations Act—which is the fact. They want to have "commonwealth," but they don't admit that the Federal Relations Act is there.

The language in political discourse that is used in Puerto Rico is obsolete. It's nineteenth century political discourse. Autonomy doesn't mean the same thing anymore. Autonomy has long been dead—that's what New York has. Statehooders are the true autonomists today.

The point is: let's start by recognizing the basic elements—language, terminology, the recognition that we are talking about the self-determination of a people. The present reality of the Federal Relations Act [i.e., the status quo] cannot be an option; the problem cannot be one of the solutions. Also, Puerto Rican status cannot be a domestic problem to solve by ways that fit into the U.S. Constitution; this has nothing to do with the Constitution of the U.S. If you start from there, you have decided that statehood is the only solution. The three real options are: separation, association, and integration.

## **CURRENT POLITICAL REALITIES**

ROTBERG: Why has ["the fig leaf"] been removed? What has Vieques changed? Why has it changed anything? From my point of view, the question is: what makes the fig leaf so important when it's always been there, and the context has always been there?

FARROW: I think a lot of us in the U.S. are jostled in our seats when you say everyone has always known there was a fig leaf. The fundamental problem is that most people didn't know it was a fig leaf. Some recent events have helped strip away the fig leaf. Fernós has talked about the distinction. "Commonwealth" is the English name the leaders of Puerto Rico gave to the government of Puerto Rico when in Spanish they chose "free associated state." Free associated state is a specific political status. The word "commonwealth" does not denote a particular political status. Virginia is a Commonwealth. It is a State of the Union.

As much discussion as there has been about the status issue, there is not a lot of understanding. The last two referenda were fatally flawed. There was an effort between 1989 and 1991 to enact status choice legislation. It failed because Republicans in the Senate were concerned that it might lead to statehood.

The current Governor, Pedro Rossello, ran in 1992 on a platform of having a

referendum in spite of this setback. Elected, he confronted the problem of opposition from the Commonwealth party. He overcame it by constructing a process in which the political parties defined what the options were. The Commonwealth party defined an option that it said it would immediately take to Congress if it won. It included a restoration of federal tax benefits for U.S. corporations that had just been repealed, federal aid for the needy that would have cost \$900 million a year, trade protection for Puerto Rican products, and equal funding levels—but not requirements—under the Food Stamps program at a cost of \$600 million a year. It was flawed because none of these proposals were, or are, viable. The option won a slight plurality of the vote. Puerto Rico's status should not change based on plurality [i.e., rather than a majority]. The 1993 plebiscite was flawed because it was “won” by a best of both worlds option that appealed to people but was not realistic and because it was “won” by an option that did not receive majority support.

In 1998, the referendum listed pretty good options, but it also had a fifth choice of “none of the above.” It thus gave the voters an easy way out of making a choice and suggested there was another possible option that had not undergone scrutiny. One of the two largest political parties in Puerto Rico argued that the real option was not on the ballot. It favored an option for a New Commonwealth under which Puerto Rico could veto the application of federal laws and enter into agreements with foreign countries while the U.S. would continue to grant citizenship and Puerto Rico would continue to get federal program aid at present levels. This option wasn't on the ballot, so the party encouraged people to vote for the “not making a choice” option.

It is true that in the past the bureaucracy has been disarray on Puerto Rico, but it hasn't been in disarray on it for several years now. President Clinton established a means of organizing the bureaucracy on Puerto Rico. Whether people like the decisions is a different matter, but they are now generally seriously thought out and coordinated.

Regarding the earlier statement that Puerto Rico is colony: One of the recent developments is that the U.S. government has become more and more forthcoming about the Puerto Rican issue in the Congress and in the Executive. There is almost no [assumption] now in the federal government that Puerto Ricans are “self-governing.” And people in the Congress have been much more honest about their concerns than they have been in the past. This has been true in the political as well as the substantive sense. When Senator Trent Lott was asked, “Is the only reason you're opposed to Puerto Rican statehood two Democratic senators?” he said, “No, that's not the only reason. It is also six Democratic representatives.”

It was a minority, but an important minority, that blocked eventual approval of the status choice bill in 1998. At some point, this opposition is going to be overcome.

### **U.S. Politics in 2000**

ROSENFELD: I suggested earlier that eventually the U.S. will do the right thing. It takes the U.S. awhile. I think that it's necessary to step back and look at the large picture. The large picture is that the Puerto Rican issue is moving into Congress where the choices really will be made. Something happened in the last year that is more positive from the

Puerto Rican standpoint in the House than in the Senate. [Statehooders] are asking the Senate to accept an arrangement that will provide two Democratic senators. This [is unreal] in an age of gridlock when decisions are defined by one or two votes. That's a fact of the situation. That doesn't define the whole Republican position, which has a tinge of negativism and a racial aspect.

The issue will take some massaging, some repeated new formulations of the questions that were put to the Congress. I think Clinton tried something quietly heroic. He tried to suppress news of what he was doing. He wanted to do the right thing, to set upon a strategy of working within and through the Congress to make some progress. Where he stopped is where the debate resumes the next time around.

I suggested [earlier] that there is a moral aspect to the U.S. position. I think most Americans think that it is by historical accident that the U.S. got into this relationship with Puerto Rico. It is part of the American drama of self-definition. That's the way that history goes. There were second thoughts about it after World War II and very casually something called American citizenship was placed on those in Puerto Rico. That's just a word, just like "commonwealth," a political fiction.

In many ways, many different Republicans have spoken positively of self-determination in Puerto Rico. That's a broad theme by which many Americans can endorse what is to happen in Puerto Rico. Just what form and what calendar, I can't predict. I, nonetheless, have the feeling that Puerto Rico is on the American agenda. You cannot have a human rights foreign policy at large without extending its ramifications to Puerto Rico and the other territories owned by the U.S. The matter is on the agenda, or almost on the agenda, and moving in the right way, [although] moving a little crookedly.

MORALES COLL: I think it's reasonable that [the members of Congress] have some fears. I also think it's unfair for those who believe in statehood to lose all that effort when ultimately Congress will say "no" because Democrats and Republicans have some fears. I understand the fears, but I think that statehood in Puerto Rico deserves an explanation, or at least a warning, about how the Republican and Democratic parties are thinking.

### **Puerto Rican Politics in 2000**

CHARDON: One problem that we [in Puerto Rico] have right now is that after every single activity, we have a significant realignment of forces. During the past few years, the breakdown has been very significant. Rosselló had promised not to run [for Governor]. There is no doubt that he saw a significant erosion of his support and his *truculencia* has been his downfall. It is why the people voted for him. What I have seen in the past few years is the development of a very Puerto Rican politics.

Governor Rosselló's bunker is very narrow, and he cannot have the input of everyone at the same time. This is one of the problems that he has, and this is why you have such terrible problems with the [local] telephone company, etc. This has also [been an issue] in the relations with the White House. Rosselló is totally focused and has to prove to the people of Puerto Rico that he is unyielding. The image he wants to give in Puerto Rico is of an unyielding leader. It is a style of leadership that we have that we

have to deal with. We have to deal with it in all political parties.

The PNP [Partido Nueva Progresista] itself is not a party that can deal with diversity. It is a party that demands that everyone tow the line. This is similar to the other parties. This is very Puerto Rican. It is the nature of our parties. There are a significant number that say that they will vote for commonwealth. It has to do with personality, politics, economic policy.

My concern is that we like to think of the Department of Defense [DOD] as the U.S. government and we need to realize that the expressions of the DOD or any particular Senator are not the expression of the U.S. Senate or the U.S. House. We haven't learned the ways of politics, or, maybe, we want to ignore them. This is one of the problems we have. This I could have said in 1979-1980 and is basically an ongoing relationship in which the world, the U.S., and Puerto Rico have changed, but the Puerto Rican leadership is still the same leadership we've had for years and we still incur these problems.

DUPREY: First, the obsession of my life is to analyze the Popular Democratic Party [Partido Popular Democrático (PPD)]. I think the PPD is in the same situation today as it was in the 1940s. When it was created in 1938, it was mainly a pro-independence party. After World War II, two important people in the history of Puerto Rico convinced Muñoz that (a) independence is not possible and (b) he had to identify the interests of Puerto Rico. Muñoz defined these interests as economic development, and the U.S. said: [your interests] are not independence, nor sovereignty. So, the PPD adopted the commonwealth option. [The reality is that] Puerto Rico is a colony of the U.S., no matter what you think.

Second, if you want to guarantee the wellbeing of Puerto Rico in a global market world, you need to develop the present territorial relationship.

Third, it's in the interests of the U.S. to stop the colonial relationship and to stop the draining of federal funds to Puerto Rico. [On the other hand,] it's also in the interests of the U.S. to preserve our security in Puerto Rico.

NORIEGA: I agree with almost everyone except Farrow. Saying that language is not a barrier to statehood is a misconception. We are not an ethnic minority within the U.S., we are a nation. If you advocate a Hispanic state, you are planting the seeds for future conflict. The U.S. has never admitted nations, it has admitted territories, sometimes with more cattle than people. The worst position for the U.S. is to underestimate the growing sentiment of nationalism in Puerto Rico. It can be seen in sports, arts, daily life in Puerto Rico. Nationalism is the reason that there are several camps on Vieques. Nationalism is the direct cause of many struggles you see in the U.S.

[Further,] if a new policy is going to be developed, you have to take into consideration the correct diagnosis. The sickness is twofold: colonialism and corruption. There are high levels of corruption, so high that all this discussion may be mute if you are going to attack the corruption in Puerto Rico. We have the worst and most corrupt government in the history of Puerto Rico. And, that's the editorial position of one of the principal newspapers on the island.

Another tie of corruption is the political corruption of the U.S. Recently, the Chief of the FBI admitted misconduct of political activities in Puerto Rico, [including in] 1978. If we don't look at the political corruption admitted, then we may be talking about some interesting topics, but we aren't addressing the problem in Puerto Rico. There is an economic core of corruption and a political corruption problem that need to be addressed in order to formulate an effective, coherent policy on Puerto Rico. The misconduct of the FBI in Puerto Rico is not a metaphor. It is not a political fiction. It is a malicious political intervention with our self-determination.

For the future, I think that any alternative that may be submitted to the people of Puerto Rico should be based on sovereignty. Sovereignty has two subparts: (1) independence and (2) free association in a non-colonial non-territorial tie. Those alternatives should be elaborated. They should be perfected with all the political sectors in Puerto Rico, but first a political consensus on that procedure should be decided.

ROTBURG: Can one deal with corruption in the Puerto Rican situation equally effectively as a freely associated state within the U.S. system of laws, or separately?

NORIEGA: Corruption must be addressed either way. It has to be addressed first because the U.S. cannot admit a corrupt government as a state.

ROTBURG: We *have* done so!

CHARDON: I'm concerned with Noriega's presentation because he sees corruption as an impediment to change to the degree that corruption is one of the mainstays of the current status.

NEGRON: Part of [the corruption problem] has to do with the fact that the public sector is vastly oversized, and *that* has to do with how the federal transfers have been made. Further, if you are living under a "lie," you have a situation in which those willing to be in government in Puerto Rico have to be accomplices to that lie. So, for a long time, you had in power only those willing to share in that dishonesty. That effects the general composition of Puerto Rican government throughout. If I were ever offered a position in government, I wouldn't accept. I could not conceive of myself as being part of [the lie].

ROTBURG: To clarify, is the "lie" calling the commonwealth by two names or pretending that a commonwealth was a state?

NEGRON: The Territorial Clause gives Congress authority over Puerto Rico because Congress can't contract with Puerto Rico. It was meant to legitimize it by portraying it as a "freely associated" entered into agreement. It was a lie. In the 1950s, we couldn't choose anything else. It was based on the Irish precedent.

DUPREY: [The Puerto Rican drafters] consistently referred to "*estado libre de Puerto Rico*" and then changed the language only on the last day. There isn't one basic lie; there was a whole set.

CULPEPER: I totally disagree [with Negron's point]. I think 98 percent [of Puerto Ricans] were not aware of the lie. I have worked with the government in the U.S. and with mayors in San Juan and with two governors in Puerto Rico, and I feel extremely proud of the work that I was doing at that time.

GARCÍA-PASSALACQUA: I think that Culpeper is being extremely generous.

CULPEPER: I think that 99 percent of the people were not educated in what was going on, therefore, you cannot say that they shouldn't have served.

NEGRON: Yes, but those 99 percent weren't the ones who were ruling. If you are right at the top, you cannot be too honest in order not to antagonize the U.S.

MAINGOT: Why call it a "lie?" Why not call it a "fiction?"

GARCÍA-PASSALACQUA: I was there in Forteleza. I did what Negron would not do. And, I was there at the moment in which Luis Muñoz Marín was reviewing what he was doing and went into a period of tragic self-flagellation in comparing himself to Mohandas Gandhi, Fidel Castro, Jomo Kenyatta, Jawaharlal Nehru. At point in his life, he became conscious that he had lied and lied to please the U.S. at the United Nations. He had to admit this absurd metaphor of five pillars—being a poet, it was easy for him to create—but he knew it was a lie. When the Puerto Rican delegation came back from the UN, he would not receive them. That's a fact. The problem was that he knew, and he told us [insiders]: it is a metaphor. The lie that Muñoz told to please the American government and said to the UN is *the lie*.

Culpeper said the country believed Muñoz and didn't know it was a lie, and I agree with her. [What Negron said is] that most who served the country knew it was a lie—which is probably true as well. But, everybody *now* knows it was a lie.

CHARDON: The problem is that we are facing the reality today. Saying it's a lie won't make it go away. What are we going to do? My concern is that the way we're going at this point will lead the U.S. into a confrontation that will take another 100 years, and we'll expect the U.S. to solve it. We cannot continue a cordial conversation. We have to find what we have in common, what we agree on, and then go on from there.

CULPEPER: And, the point is that [the truth] isn't out to the people, even if it is here. The realities of the people are another thing.

SOLTERO: That was before Vieques. I think that tomorrow or a week from now, we will find in Puerto Rico a new [popular] conception of the colonial status of Puerto Rico and maybe of the situation we've had for the last fifty years.

CULPEPER: Again, I doubt that the public will have very clear information on the realities of Vieques. We *are* confronting a political year.

MAINGOT: We [generally] accept the notion that part of the function of politicians is to fudge reality. When I read the testimony of Muñoz, I was fine with what he said. The question is: "What is the new 'lie' that you need now to move Puerto Rico forward?"

MORALES COLL: Do you need a lie?

DUPREY: I think that one of the main obstacles to discussion of the solution is the archeological fascination that we Puerto Ricans have with this issue. We like better to discuss the past—what happened in 1950, 1917, 1898—than to talk about the future. When you read the testimonies since 1950, we are discussing the same thing. I think Soltero has made a point: the past lie is irrelevant when you have the Vieques problem.

MORALES COLL: I am not against looking forward to the future [but I don't want to repeat the past].

FERNÓS: Maybe "lie" is too strong a word. What happens is that lies don't matter if you don't know they are lies, and they don't hurt unless you know. Now, with Vieques, [the lie] hurts. It hurts because it means something.

NEGRON: From what I have heard, Muñoz did not die a happy person and part of the reason was rooted in what he did to Puerto Rico.

FARROW: I think contemporary discussion can be too harsh on Muñoz and others. At the time, they were dealing with the situation that they had to deal with. The solutions of [that] time do not satisfy the present. That's the nature of political development. The greatest fiction was that Puerto Rico resolved its political status in 1952, as opposed to simply adopting a political situation that existed and enhancing it by locally organizing the local government.

CHARDON: It is not in the interests of some of our parties to find a solution to these issues. This reason is very much tied in with [Noriega's analysis of corruption]. I think one of roots of corruption is status politics. Politics is [focused on] an apocalyptic solution, and the idea that "we" will do anything, so that "we" prevail.

GARCÍA-PASSALACQUA: Chardon's point is critical. There will never be consensus between the [parties] and that fact should be driven into the minds of politicians in the U.S. so that they will understand that they are dealing with a fractured society. The reason for that, and for the corruption, is that all political parties in Puerto Rico since 1868 have been funded and dedicated to alternative political structures. They aren't going to commit suicide.

Corruption in Puerto Rico has been speeded up because parties need the money to pay for [campaign] television ads. So, they ask government contractors/"political investors." The "investors" say: I'll give you \$1 million cash if you give me the contract. That's the essence of corruption in Puerto Rico.

In sum: (1) there will never be consensus on the status issue; (2) the U.S. better get this fact into its head; and (3) we have found a demon in the Navy that everyone can hate as colonialism. We are "for the people" and "against the Navy." Everyone can agree on this.

## **CURRENT ECONOMIC REALITIES**

CULPEPER: The Puerto Rican economy is doing well, helped by funds pumped into construction because of the hurricanes. In 1983, we were in a negative economic growth scenario. Until 1980, there was a significant tie between what happened in U.S. economic policy and what happened in Puerto Rico. During the 1970s recession, the unemployment rate was at an all time high of 23.5 percent. At the end of last year it was 12.5 percent. [In March 2000,] it was 11 percent.

Since 1983, we have gone much more into the technology and scientific side, and now into the pharmaceutical industry. Back in 1994, certain significant things happened:

the government of Puerto Rico rescinded its economic model, and the government reduced its size and became a facilitator. The reality is that we are in the midst of change. During this period of time, we have had some setbacks—for example, NAFTA and GATT. They certainly reduce the attraction of some companies to investing in Puerto Rico.

[Previously,] the Puerto Rico Chamber of Commerce was very much part of a one-sector economic model. For a long time, we looked at what was happening to retailers and wholesalers. These groups lobbied effectively in Congress for section 936. The Chamber has had an increasing say in Puerto Rico's policy on economic development. You should also [note] the fact that entry into the U.S. will have a big effect on the economy of Puerto Rico—especially the tourism industry.

[Recently,] the Chamber decided to sit down and really look at how the economy was going forward and how to improve the economy for the next years. Definitely, we believe that no matter what status, we have to look at these issues. Therefore, we thought that we had to look at the realities in health, education, and the economy because you can't look at different sectors in isolation. We have looked at what business can do in terms of foreign trade. We think we need an amendment of the [Jones Act], plus an exemption. The mega-port will be important in making Puerto Rico a second bridge to the Americas.

Further, the government has to reduce its size. This doesn't mean that you have to privatize 100 percent in a few months. [But,] we are a strong supporter of having an economy that is market-driven. Section 936 was not the panacea, but we need to have good transitions. Section 30A is a good transition until the other sectors of the economy can develop. There are also programs that have to do with stimulation of the economy that have to do with transfers from the federal government [i.e., targeted government investment in business].

NEGRON: Puerto Rico no longer has monopoly access to the U.S. market. Yet, Puerto Rico can't freely enter into trade treaties and is subject to U.S. laws and regulations that impair access to markets in other areas. At the same time, in the tax arena since 1996 the rules applicable to U.S. investors in Puerto Rico [have changed]. There is an element of uncertainty in Puerto Rico that creates serious insecurities.

Because of developments in maritime trade, most transport will be by mega-ships, which will go from tropical port to tropical port. It is estimated that only four mega-ports will exist. Puerto Rico has the option of being one of these four. But, Puerto Rico is hindered by some U.S. regulations. Non-U.S. flag ships cannot participate in Puerto Rico-U.S. shipping. U.S. ships are more expensive, and U.S. ships are not competitive for the other legs. So, the U.S. impairs Puerto Rico's capacity to become a mega-port. The linkages that could be created [from having a mega-port] are immense. We could, by having a mega-port, be linked for distribution for consulting, insurance, finance, and so on.

Yet, at this juncture, we are subject to U.S. legislation that has not been designed with Puerto Rico in mind. For the time being, Puerto Rico as a small country couldn't have free access to world markets. Now, it is becoming less important to have that access in order to be part of the globalized economy.

Some of the transfer payments have been beneficial, but some not, so that in the balance it is hard to say whether the effect has been good or bad. For example, in Puerto Rico, welfare programs apply to about half of the population. These programs weren't designed for Puerto Rico. The [changes in the] attitudes of Puerto Ricans to work [as a result of these programs] have been intense. For many in Puerto Rico, it's more important to work in the informal economy and not have to give up their [welfare] benefits.

We have 100,000 Dominican workers in Puerto Rico. The labor participation rates of Puerto Ricans are very low. We have a country that's importing workers, but has very low labor participation rates.

CULPEPER: The reason that we are importing workers is that we don't have the skills.

NEGRON: Today, U.S. capital has a lot of alternatives of places to go and the tax difference is becoming more important. So, the control over the variables on economic production is becoming more important and Puerto Rico is no longer in a tax advantaged situation.

In this situation, I think that national sovereignty is the best option. It's not considered for a few reasons. Partly, it is because the Cold War mentality has prevailed. In a concrete form, national sovereignty would require a transition for Puerto Rico from the current framework. A transition of that sort has to be guaranteed until Puerto Rico can really consider an option of national sovereignty. That's what the U.S. has failed to do regarding the option of national sovereignty, just as it has done with the option of statehood. So there are lots of imponderables that are out of the hands of Puerto Ricans.

MAINGOT: I like that analysis very much. It shows what we have to work with. But, doesn't Puerto Rico have two advantages that it doesn't want to lose, that any island in the Caribbean would give its right arm for? It has (1) free movement of capital within a dollar economy and (2) free movement of labor (You don't have free movement of labor even in NAFTA.) [If Puerto Rico were to become independent, as Negron advocates,] what is Puerto Rico going to do to retain those two vital aspects?

NEGRON: National sovereignty will enable Puerto Rico and the U.S. to keep those mutually beneficial aspects. I don't envision Puerto Rico denying or preventing the dollar's use for transactions, at least for a number of years. I don't foresee a problem. I see currency as I see other commodities. I drive a German car. Why can't I just keep use of the dollar after independence? At least for a transitional period, the dollar will need to be part of the solution.

I don't think it is an economic advantage for Puerto Rico to have the capacity for Puerto Ricans to go away. The advantage to Puerto Rico and to Puerto Ricans is different. Also, there are precedents in the current European scenario of free movement of labor working.

CHARDON: I'm very concerned that we're still in an economic situation that will be very difficult to maintain. Let's take knowledge[-creating] jobs. In comparing Puerto Rico with U.S. states and some territories, we are number 51 [out of 52]. Educational work force, 52. Foreign Direct Investment, 49 out of 52. Households online, 52. Household

computers, 52. Jobs in high tech industry, 52. Ph.D.s in sciences and engineering, 52. Venture capital, 16 (because of government intervention). Patents per worker, 52.

I bring these numbers up because the status question does not allow the U.S. to address a number of things which we must address. I think we are in agreement that we need to realign our economy. Our high government employment isn't sustainable.

Most ships right now that are coming to Puerto Rico are empty. Traffic is North-South, not South-North. It's possible even under the Jones Act to negotiate favorable rates for ships because North-South traffic is paying for the ships.

Our subterranean economy is not exclusively the product of drugs. Before the massive influx of drugs, at least 25 percent of the economy was subterranean. That fact suggests basic problems in how government is run. Small businesses cannot afford to pay high taxes. What we have in structure was built in the 1950s, and we can't grow beyond that.

GARCÍA-PASSALACQUA: At the [World Peace Foundation's] 1983 meeting, Randolph Mye insisted that we had to pay attention to the economy first so that Puerto Rico would become economically viable to address the status issue.<sup>4</sup> This hasn't happened in seventeen years. [Today,] Puerto Rico is more dependent than ever.

Political parties in Puerto Rico have to address the issue of self-sufficiency for the Puerto Rican economy, [but they do not] because it would eliminate their power base—food stamps and government employment. The parties would be committing suicide if they advocated for such changes. That problem is a structural problem of the political system within the colony.

One way of moving toward economic self-sufficiency is the Singapore model: let's become the mega-port of the Americas.

CHARDON: We won't want the same model as Singapore.

CULPEPER: We have to look at all sectors, not just the mega-port. Global technology will have much more impact on the Puerto Rican economy.

NORIEGA: The Jones Act is a U.S. nationalist, chauvinistic law. It requires that we use U.S. merchant marine ships and they have to be constructed in the U.S. We should take into consideration that the last time this was amended was in the 1980s under Governor [Carlos] Romero [Barcelo]. The reason was so that ships that import tourism could use San Juan as a port. As a consequence, the Puerto Rican port was the fifth in the world. This was a big boost to the Puerto Rican economy. Any consideration [of economic issues] must take into account that the Jones Act must be repealed or amended.

We need to be rational. Puerto Rico is an island and we don't have a shipping industry. We don't have a shipping yard. We don't have a merchant marine. I think the economy is irrational in the way that it's now organized. We have used federal money to foster dependency, not to promote independence. If we can rationalize our economy we will be making a big step toward economic development.

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<sup>4</sup> See Randolph Mye, "Puerto Rico: Economic Development Should Come First," in Bloomfield (ed.), *Puerto Rico*, 85-93.

ROTBURG: Has anyone ever quantified the benefits to Puerto Rico from being a part of the U.S.?

GARCÍA-PASSALACQUA: The critical thing is that growth has not meant development. Not only didn't we develop, we grew at the expense of food stamps, government employment, and the growth of the illegal/parallel economy.

ROTBURG: There has to be a way of looking at the issue in terms of trade.

CHARDON: The conception [held by political parties] of development as jobs is not development. That's employment. Jobs is a policy function. All the investment of government is into a policy function at the expense of capital levels and savings.

GARCÍA-PASSALACQUA: The terrible thing about it is that the U.S. policy and economic metier has been very comfortable with having a phenomena in which Puerto Rico is exclusively a transitory point from American taxpayers to American companies. The assumption was that if we have American tax payers sending \$10 billion a year and the Puerto Ricans buy from J.C. Penney and Sears that's fine because all you're doing is making Puerto Rico a conduit of American taxpayers' money into corporate coffers. That assumption has prevented the U.S. from [supporting Puerto Rican] self-sufficiency.

ROTBURG: An island that moved successfully from a mono-culture to a mixed economy is Mauritius. [ROSENBLATT: Also Hawaii.] But, Mauritius is not self-sufficient because it is taking advantage of global markets. It did so through investment in education.

MAINGOT: Self-sufficiency is an illusion. The opposite is interdependence.

ROTBURG: Malaysia and Mauritius, through export processing zones, have created growth through openness of the economy, a stable currency, and the rule of law. Foreign direct investment is good. Government deficits are bad. The question is whether the investment is productive.

### **ADDRESSING THE STATUS ISSUE: PROCEDURAL AND SUBSTANTIVE OPTIONS**

ROSENFELD: García-Passalacqua, when you say there's no possibility of a consensus [in Puerto Rico on the status question], I take this as you saying that the U.S. should do nothing?

GARCÍA-PASSALACQUA: The U.S. should decide unilaterally to dispose of Puerto Rico. If we didn't invite you in, why should you ask us how you should leave?

CHARDON: Wasn't there a state brought into the nation against the will of the nation? [ROTBURG: Colorado.] This is something very dangerous.

ROTBURG: What is the difference between commonwealth and free association if one was a lie and the other doesn't exist?

FARROW: The word "commonwealth" does not denote a specific, distinct political status. It is the name of Puerto Rico's government under a jointly-established arrangement under which Puerto Rico remains under U.S. sovereignty subject to federal territory governing powers but exercising local governing authority similar to that of a state of the United States. Free association would be a status in which Puerto Rico would become a sovereign nation and cede the exercise of some of its sovereign powers to the U.S. The

U.S. would, in turn, provide assistance in the form of block grants and program assistance, etc., and have military powers. Persons born in Puerto Rico would be Puerto Rican citizens. The association would be free because Puerto Rico would be able to unilaterally terminate the relationship and reclaim the powers it had delegated. It is an entirely different political status than the current political status.

ROSENBLATT: No one is ever free when they are negotiating political status, they are always under certain constraints. Take the example of the Pacific states—when you have no economy and are dependent on the U.S. economically, you have to cooperate with the U.S. They had to exercise some sort of internal self-discipline because they knew that they couldn't deal with the free range of choices that were theoretically there. The U.S. government also operated with some constraints—during the Cold War, we didn't want a Soviet presence there. The point is: everyone operates under constraints.

ROTBURG: Could someone elaborate on the territorial relationship development?

DUPREY: We can develop the present relationship into a real freely associated state. We need a process and a will to negotiate. As a member of the autonomist wing of the Popular Democratic Party of Puerto Rico, I advocate the development of the present arrangement into a bilateral treaty of free association, based on Puerto Rican sovereignty, and the delegation of specific powers to the U.S. One of the delegations that has to be included and updated in this new relationship is the area of mutual defense and national security. ... We [should] make clear our parameters for negotiation. Puerto Rico wants a sovereign association with the U.S. based on a common market and currency, dual citizenship, and common defense. The U.S. wants to stabilize its relationship with Puerto Rico without weakening its security or its national interests. These are not mutually exclusive objectives.

ROSENBLATT: There is a difference between what Farrow referred to as “national sovereignty” and “independence.” National sovereignty is a concept in which one has complete freedom of choice. One may limit this to choose a status less than complete independence. The Pacific islands are not independent, but are nationally sovereign.

DUPREY: In Puerto Rico, we have to deal with two realities—since Puerto Rico is a country of 5 million and 2 million live in the U.S., the U.S. is a reality.

ROTBURG: Rosenblatt, how did you persuade [the Pacific states] to be sovereign, but not independent?

ROSENBLATT: We didn't. They came to us. Under a number of UN General Assembly resolutions the UN established three post-colonial statuses: (1) independence; (2) integration into another sovereign; and (3) free association—a status which exists in a very small number of places. Examples [of free association] are the failed West Indian states in the former British colonies, New Zealand and Cook Islands, and Greenland. There are also some mini-states of Europe that resemble free association.

Free association is something that doesn't have an exact definition. It can resemble independence or territorial status, or something in between. The one thing that is required under international law is that it be free, i.e., that it can be terminated by one party or the other.

We have very complex agreements in the Pacific. The major association is terminable, but some [compacts aren't]. Other aspects of our relationship have a longer term. But the political relationship itself has a fifteen-year term. Association is subject to unilateral termination.

The particular case of the three freely associated states of the Pacific is unique. They were part of the former U.S. Trust Territory of the Pacific. It was created by the UN Security Council and terminable only by the Security Council as a protection for the U.S. We didn't want a situation in which those territories would be alienated from the U.S. without our consent. Consequently, we implemented their [free association status, even though that status was not accepted by all countries in the UN Security Council]. We had to wait some years until there was approval by the Security Council, and then it was possible to consider the admission of the Pacific Associated States into the UN. The U.S. supported their application, and they became UN members, even if they were not independent states.

CHARDON: Within the political realities of the trust territories, were the alternatives to continue as they were or to go into some type of situation because that was what the U.S. wanted? Could one alternative have been independence? In Puerto Rico, we have to realize that there is still another other. One of things we might want to explore is the *substantive* issues [i.e., as opposed to the *procedural* options] within which we agree. It is not necessarily status directly because status divides. Vieques divides. Free and unfettered access to the U.S. also brings the U.S. together. We need to undergo a process of nation building. This, I think, was the problem with the Young bill— whatever its intentions were.

ROSENBLATT: A second option beyond free association was decided—e.g., the Commonwealth of the Northern Mariana Islands. I would not denigrate the status of commonwealth as much as some people here have. It is enhanced territorial status. It is something. It is not an absolute zero. I think what happened in the Pacific was that these were island leaders operating within the constraints of reality. The fault of the federal government is in failing to define the various status options; the federal government has let the different parties define the status options as they so choose.

So, how can you reach agreement? I think it's only through clear options that you can ever apply the kind of discipline that is necessary to permit Puerto Ricans on the island to begin to sort out the options and come to a solution.

CHARDON: [Again,] perhaps the issue is not status, it's human relationships.

GARCÍA-PASSALACQUA: Miguel Lausell, the President of Strategy Group International [one of the meeting's sponsors, has noted that:] the solution of the status problem is that the President of the U.S. should name a Commission of the most reputable jurists, economists, etc., to invite principal parties in Puerto Rico to come forward with their definitions. After the first round, the commission would rule on definitions. There would be an appeals process. The commission then is to make a final ruling on the solutions. And only then could a plebiscite be voted on.

MORALES COLL: We have to make a determination on two principal problems: (1) the colonial situation and (2) political status. These are interlocked. The political situation in

Puerto Rico is such that there is still no possibility that any final political status will be decided for a long time. This impossibility to solve the status problem makes it also impossible to solve the colonial problem.

SOLTERO: I hereby propose that the way to further our goal of finally solving our political situation is by establishing a procedure that will allow us, as members of the Nation of Puerto Rico, to claim our rights as a nation from the United States. This procedure is a “Constitutional Assembly” [to take place] after Congress disposes of the territory.

CHARDON: The Commonwealth acquired a Protean nature as a result of migration to and from the U.S. As a result, it’s remarkably resilient, if impermanent in any one form. Its strength lies in unstable equilibrium of not one, but many, relationships where political elements no longer have primacy. While government-to-government relationships are still important, people-to-people and people-to-government relationships are more significant. It seems that at mid-century issues of human and political rights were addressed sufficiently, if imperfectly. Since then, Puerto Ricans have become a part of the human landscape of the nation.

The crux is not status, but the future of a people. Man can only live in terms of the future. In the nation, the parties right now are reorganizing. The Puerto Rico issue has nuisance value. Still, the ultimate battleground is Congress. Do Puerto Ricans want continued and unimpeded access to the U.S.? This definitely is more important than anything that has to do with status. The Ateneo Puertorriqueño study shows that language is an important issue. Another issue is: do Puerto Ricans want U.S. citizenship? Do Puerto Ricans want Puerto Rican citizenship?

ROSENBLATT: One thing that has impressed me deeply is the fascination that so many of us have with words, concepts, and ideas. I find many of these to be island-based and to proceed from ideal solutions. Duprey has said that there is an inclination to talk about the past, rather than the present. I think that there is an element of truth in that. I think the question is not what the ideal future is, but rather, a simple modest question: what should be the next step? I see the beginning of an answer as a matter of process. Everything I hear confirms my impression. The economic, psychological, and cultural issues cannot be resolved, and progress not achieved, without a resolution of the status issue. I cannot see how you can plan economic policy without resolution on the status issue. Yet, because of transitions on the island, there is no viable solution in sight. So, I suggest you find a process by which some viable consensus can be achieved. I think that this is best done under the current system, inadequate as it is, rather than under some quasi-independence system because that will be less stable.

What I find missing in our discussion is a willingness to grapple with the fact that there are two dimensions to this issue. One is island-based. The other is Washington-based. And, the problem will not be resolved without the active participation of the Washington players. The Washington situation is characterized by a vast indifference, which flies in face of the intensity with which is issue is characterized on the island.

I will suggest to you a means of stimulating that interest and of finding a path to the solution to the problem. I think that it’s important for Puerto Rico to use the experience learned from the experience of the other territories because I detect a tendency for

Puerto Ricans to see their situation as unique.

Take, for instance, the experience of the last ten years of Guam. There was a resolution that the way to resolve the problem was for government to get together and decide their ideal proposal and to incorporate that in a bill and hand it to Congress. [The resolution] sat there for ten years and then died because it was a hybrid of commonwealth status and free association. It dressed up free association as commonwealth, and Congress said no thank you. An island solution that fails to take account of the realities of Washington is inoperable. The lesson of Guam has a great deal to say to Puerto Rico if it is absorbed.

That's why we need, in my opinion, an agreed set of options that can only be achieved with the participation of all the players. Since the Puerto Rican situation is not unique, whatever is decided on by Guam has implications for Puerto Rico. Furthermore, if a Puerto Rican solution is seen as only a Puerto Rican problem then it has less gravitas than a question of federal territorial relations which has more significant implications.

The key issue here is the absence of any U.S. territorial policy. There was one right through the admission of Alaska and Hawaii. A territory was a proto-state that would eventually be entered into the Union. After that we had five territories, each one of which had problems that made the statehood option [unworkable]. I believe that Puerto Ricans do have an unlimited range of options—whose terms need to be negotiated—if they can agree. So, the first objective is to get a list of status options. That doesn't mean that each has to be set out in detail, but they have to be defined in such a way that they can be discussed.

The three options are: separation, association, and integration. They also do have names that mean something in Washington. The first is "statehood." Despite Republicans' problems, I think it is a real option if it is a Puerto Rican consensus choice. Republican objections prevail only because statehood isn't a Puerto Rican consensus choice. You need to look at the options as continuum. After statehood is territorial status, either as a commonwealth or enhanced territorial status. Separating these choices is a deep gulf between the remaining two: free association and independence. They are different in kind and have profoundly different implications for the future of the territory.

So, the implications of the various status options need to be clearly set out first. How should this be done? Not, I think, by resort to international law—that won't get us to first base in Washington. Not through negotiation—that has been tried in the last generation. Negotiation in the absence of preliminary work won't work. Therefore, what we need at this point is a process, not an end solution.

The Puerto Rican-based process which has been the focus of so much of our discussion has resulted in stalemate and gridlock. In the absence of no solution on the island there is no chance of something from Washington. Washington's policy all along has been: leave it to the territories. That's no answer by itself. [It is] no more [a solution] than ideal solutions from the territories are a solution. We've tried executive-based solutions that were okay for some but won't work for the others because of the territorial clause of the Constitution. We've tried a Congress-based solution that has been lost in a

miasma of discussion. Each member of Congress has his own idea or no idea.

The only way forward to solution is through a fundamental reorganization of status options for territories. This [process] must involve all of the territories because the internal gridlock has come from all of the territories. In the current state of fragmentation of opinion it is too much to ask for anything more now. I am therefore proposing the same solution I proposed twenty years ago in the Carter Administration, i.e., a Presidential commission that includes representatives of the executive branch, agencies, both houses of Congress, and territorial governments with their executive and legislative branches. [Together they should] come to a solution as to what the future policy alternatives offered to all the territories should be. If such an agreement could be achieved I think the next step would be to submit the result to Congress and to incorporate the recommendations formally in a bill subject to whatever limitations Congress may consider necessary. In that way, I hope that in Puerto Rico and the other territories, it would shortcut a lot of the discussion that is now taking place by giving the territories a clear-cut picture of what's available. It would then be up to each territory to decide what it wanted. The U.S. is large enough to consider different options in different territories.

With regard to the options: Statehood cannot be available to all of the present territories. Therefore, it should be up to the commission to define the requirements of statehood. With regard to independence—it could be granted but subject to some type of negotiated agreement. With regard to territorial status—the scope of legislative elaboration has been fairly well explored in the Commonwealth of the Northern Mariana Islands. Free association is a status which offers almost limitless possibilities. It can be close to independence, as in Micronesia, or as close to territorial status as in the Commonwealth Act of Guam.

### **SOLUTIONS: HOW THE OPTIONS SHOULD BE DEFINED**

FARROW: This has been a decade of great advancement on the [Puerto Rico] issue. Having dealt with it for twenty years, I think that the debate that occurs now is, for the most part, far more advanced than it was two decades ago. The legislation that considered in Congress in 1998 was much more realistic than the 1989-1991 legislation. The failure of the 1998 bill was not so much because of its substance, as it was because of the process by which it was developed. The options were pretty realistic even if there was not much elaboration of the free association option. Free association was added under national sovereignty, which was primarily independence, as a separate idea. The problem with the bill was that rather than asking the people of Puerto Rico what their aspirations were, the sponsors to an extent drew upon their knowledge to assume what the proposals were and then drew conclusions as to what fair responses would be, rather than soliciting insular proposals, going back and forth, and finally answering the proposals. Commonwealthers felt that they had not gotten fair consideration of their vision. That said, I still think it was pretty good legislation. It was stopped only by Republican leaders because of political considerations.

This is not unusual in our democratic system. Politics is the means by which we

make public policy in this country. We take good ideas and make policy through the politics of reaching a majority decision.

A very big factor in this issue is the politics in Puerto Rico. It involves having some principal leaders in the islands discussing status in very different terms than the law and reality or terms we have used and even varying from their own party's platform.

The PDP [Popular Democratic Party], which has members who advocate a wide range of status ideas, is the one party that resembles a U.S. political party the most in its purposes. Its primary purpose is electoral. Its original intent was to put off the great debate between statehood and nationhood and, instead, concentrate on economic and social development. (Of course, the issues cannot be divorced since the islands should develop in different ways—and the United States should help differently—depending on whether the islands are eventually going to become a state or a sovereign nation.) As time went on, the PDP invented itself as having a status basis that it didn't have at its origins. There have always been people in the party, including Muñoz, who wanted to perfect the Commonwealth ideal, but their dreams have never gained acceptance in the federal government.

The real purpose of the New Progressive Party, by contrast, was to obtain statehood. There's probably no better politician in Puerto Rico than Governor Rosselló but his primary purpose has been to end the islands' not-fully-democratic status, rather than simply to get himself elected. Certainly, the PIP [Puerto Rican Independence Party] exists to pursue independence.

Rosenfeld said earlier that we're asking the Senate to do something very difficult in approving status legislation. I agree. What we have been asking it to do is something that it has never done before. We're asking the Congress, in setting out whatever status choice process, to set out an array of options that commits to them before Puerto Ricans have chosen one. This means committing to cede substantial political power to 3.9 million people who have not asked for it as opposed to giving it to them if they ask for it, which, in this day and age and after 102 years, it would really have to do. For the Senate to say: you folks haven't asked for statehood, but we're going to say you can vote on it, essentially commits the U.S. to granting it. It is, essentially, "state shopping" to people who aren't sure enough about statehood to ask for it.

Because of the confusion about the options, clarifying them is essential and a federal responsibility but there's a fine line between answering Puerto Rican questions about what the options are and pre-approving statuses that have not been asked for that we have to be careful not to cross in asking Congress to act. In any case, there is little we need to clarify regarding statehood or nationhood, because they are clear statuses. The problem has been the range of definitions with respect to "Commonwealth," whether it's a territory or a free associated state.

The 1998 local referendum made the mistake of putting a "none of the above" choice on the ballot. But it did so after a year of what many people, right or wrong, felt was an arrogant experience in the Congress, where Congressmen told them what their options were without the dialogue that should occur.

That takes me to where Rosenblatt left off, i.e., how to approach the issue now. What we are about to do is the following: Puerto Rico having voted in 1998 with a majority

saying it chose “nothing” over a status option, we will ask Puerto Rican leaders to discuss their aspirations with us and with leaders of the congressional committees, on a bipartisan basis. We will try to clarify what the available options are so Puerto Ricans can choose among them when they are ready to.

That gets us back to the problem of politics in Puerto Rico: a leader of one of the parties might not want to have their proposals considered. That is why I disagree with the suggestion that status should proceed on the basis of consensus within Puerto Rico. I think that we can develop a fair array of options, fairly considering all proposals without ultimately allowing anyone to exercise a veto over the issue by unreasonably not cooperating. I also think we’ve done a good job in defining the issues in recent years so that there are really only a few questions that need to be defined further in order for Puerto Rico to choose.

It’s true that this issue needs to be resolved before we can get a solution on other issues. That being said, I also need to make it clear why we think that there are four options that need to be on the table: statehood, independence, free association, and the current governing arrangement. It can be argued that there should not be a territorial option, but we need to see how the Commonwealth party wants to define the option. Further, there may be a significant element of the Puerto Rican population that will say: we are happy with our commonwealth the way it is. The United States should enable the people of Puerto Rico, who are not now in a fully democratic governing arrangement, to have a fully democratic governing arrangement if they wish, but we should not force them into a status they do not really want. I don’t think people are as happy with their commonwealth as some people might think they are—that is the lesson of Vieques. Whether or not many people in Puerto Rico are right or wrong about Vieques, they think our policy on it is wrong, and they’ve come to understand that it is a decision we are making for them without them even having the equal vote that the people of the Commonwealth of Virginia have.

It is difficult to do much in an election year, but it’s not impossible to do anything. We can certainly have a clear discussion and clarification of the options. A referendum on status this year is unlikely, but we can clarify the options for a referendum later. In our view it’s up to Puerto Ricans to determine when they want to vote. Our job is to answer their questions about what the options are, recognizing that the questions about them are primarily questions of federal policy. Further, it may well be that there would be no majority for any option now, but we ought to clarify the options so people can choose when they want to. I remain optimistic that we will make progress in this regard this year.

ROSENBLATT: I agree with almost everything Farrow said, except his satisfaction with the Young bill. It mis-characterized the options and loaded the process heavily against independence and free association. Yes, free association can’t be defined, but you can at least do it negatively.

FARROW: Again, I said the bill was pretty good definitionally, but I did not say it was all it could be or we wanted. The final bill approved by the House was much improved from the initial version. And even then we said it needed amendments. I made to Congress the same point Rosenblatt made regarding addressing free association further.

We will soon consult the leaders of the parties and of the congressional committees on clarifying the issues that need to be clarified to enable Puerto Ricans to choose. The President has asked Congress for funds to support a choice and we will consult the parties and the congressional committees to develop the options based on Puerto Rican proposals.

GARCÍA-PASSALACQUA: We could call it the “dropping the fig leaf commission.” When the commission gets into the second stage, the statement of facts should be: Puerto Rico is a colony. How does it cease to be a colony? How do you get out of it?

DUPREY: I think we have some consensus around this table about what are the solutions. I think a meeting of the minds of leaders of Puerto Rico, the executive, and Congress [is a good idea]. I appreciate Farrow’s analysis of the failure of the Young bill. The PDP presents it as a conspiracy of statehood against commonwealth. If the federal government offers free association without the escape door of the territorial option, I think it’s going to be a parting of the ways in the PDP.

MORALES COLL: I agree with García-Passalacqua that a new policy approach has to be taken. We have Rosenblatt’s recommendations, the Young bill, etc. This is not something to be solved by the political parties. We have to take a new approach on how Congress can take care of this issue. Washington’s [current] attitude is indifference.

CHARDON: I’m concerned about my people who believe that commonwealth is something else. I’m concerned about human beings. I do have a recommendation. It is that truths need not be boorish. It is important. It is people you’re talking about. It’s breaking down fifty years.

MAINGOT: I want to ask García-Passalacqua: you keep asking for the facts, but you want the Americans to draw up the facts. Why can’t Puerto Rico do that?

GARCÍA-PASSALACQUA: We can invent the future. I’m talking about the Americans facing themselves and telling the people of Puerto Rico that [the U.S.] unilaterally imposed status [on us].

NEGRON: We are tired of euphemisms. I think an honestly defined territorial alternative will not command any support. I don’t know the president of the PPD, but I know many of the business people behind her. They would be very concerned with the possibility of U.S. taxation. I don’t think anyone is seriously expecting this type of taxation. But, if the U.S. consults and says, “you are a territory,” I think the business people will understand the message that if they opt to maintain this, then they will remain subject to the U.S.

The problem with territorial association is that it risks punitive action by the U.S. That’s what the Young bill did. Both possibilities under national sovereignty—either free association or commonwealth—have to be honestly defined.

**Conclusions**

FERNÓS: I'm pleased to say that we've achieved consensus that: (1) it is possible to have consensus on a policy for territories; (2) clarifying definitions is essential; and (3) [the U.S. should say that] those definitions in parameters are the options available. It is essential that the present relationship be communicated as being an "enhanced territorial status," rather than what it is not [i.e. a commonwealth]. It's not true that there is bilateral compact—it is an *enhanced* territorial status. The PDP will eventually come around.

ROSENBLATT: It has to be made clear that enhanced commonwealth status, which is what Guam is, is not going to fly.

ROTBURG: Do we have consensus with what Fernós was saying? Farrow seems to be saying that we will do something regarding the consensus really soon. That is somewhat close to Rosenblatt's suggestion, on a parallel track. What is needed is a joint investigation of the problem by Congress, the executive, and Puerto Rican parties, a setting out of the options, and then a development of the way to get from there to an end point.

MORALES-COLL: We have consensus on a procedural option, not a substantive one.

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