11. The Status Debate Continues

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The subject of Puerto Rican status has been the most persistent topic of discussion among the people of Puerto Rico. The debate has been variously described as debilitating and "futile," as an "obsession" that has caused anger and "mental anguish." A negative criticism is implied in such terms of description: why do the Puerto Ricans insist upon continuing a Sisyphus-like wrestling with a definition of themselves in relation to the people José de Diego called the "Gentlemen of the North," instead of tackling the more mundane and material matters of struggle and survival? The quest of self-identity, however, constantly urges fulfillment. It need not be harmful. On the contrary, it can lead to spiritual and moral growth. This indeed has been the case with Puerto Ricans, for they permitted Muñoz Marín to channel the quest in a constructive manner away for the time being from independence and statehood. Repose in the Commonwealth status, he told them, so that they might search fruitfully for a permanent solution and at the same time apply themselves to the important tasks that face them. Fernós-Isern echoed Muñoz Marín's sentiments when he told independentistas and estadistas in 1950 to hang their "hammocks . . . under the tree which sprout[ed] into this new concept." Who knows, he continued,
the formula might yield a permanent settlement to an old dilemma.

That Muñoz Marín succeeded in weaning Puerto Ricans away from an "either independence or statehood" way of thinking was a measure of his leadership abilities as much as it was a reflection of the islanders' spiritual growth. He himself had started out as an independentista at the time the PPD was founded in 1938. But by the time the party scored a narrow electoral victory in 1940, he was beginning to have doubts about pursuing either independence or statehood for the immediate future. The economic well-being of Puerto Rico became his primary consideration. By 1946, when he had consolidated his political position, he abandoned independence as a Popular goal. He argued persuasively that Puerto Rico could not economically sustain either independence or statehood and convinced fellow Puerto Ricans that the continued association of the island with the United States under the most liberal terms of self-government possible was in its best interest. He separated the issues of autonomy and political status to the extent that the dichotomy of these two closely interrelated issues could be achieved.

This approach harmonized with the attitude of Congress, which, in the heightened security-conscious atmosphere of the postwar period, desired to retain control over the island in vital matters. And this 3,500-square-mile Caribbean island was strategically placed at the gate of its sister islands and the Panama Canal. There was, therefore, little sentiment in Congress to grant the island independence, even though the various bills introduced by a champion of Puerto Rico's independence, Senator Tydings of Maryland, included absolute provisions for maintaining United States military and naval bases on the island. Congress preferred instead to grant self-government in small doses. There was little opposition to the appointment of the first Puerto Rican as governor, Jesús T. Piñero, in 1946. About a year later, the United States legislators, reassured by the able governorship of Piñero, believed that the islanders should be allowed to elect their own governor. But their caution and conservatism did not yet permit the auditor and the justices of the Puerto Rican Supreme Court to be appointed or elected by the islanders. One suspects that they were fearful lest a pattern of anarchy and revolutions follow a sudden grant of self-government and thereby detract from the island's important strategic role. A few members of Congress were
influenced in their thinking by such patterns in some Latin American countries and were wont to consider Puerto Rico to be Latin American in "temperament."

Congress was, however, quite impressed by the administrative abilities of Governor Muñoz Marín. Influential members of the Congressional committees concerned with Puerto Rican matters frequently praised the work of the governor, and generally did anything possible, such as print his speeches in the Congressional Record, to make more of their colleagues aware of the existence of a talented administrator and a reliable friend. They pointed enthusiastically to "Operation Bootstrap" and the significance Puerto Rico's economic well-being would have for the rest of Latin America. Resident Commissioner Fernós-Isern's quiet but industrious efficiency in Washington was also instrumental in projecting a favorable image of Puerto Ricans generally.

The most notable among the influential members on Puerto Rican affairs were Representative Crawford of Michigan and Senators Butler of Nebraska and O'Mahoney of Wyoming. Others were Representatives Engle of California, Taylor of New York, and Peterson of Florida and Senators Cordon of Oregon and Lehman of New York. Congressman Peterson and Senator O'Mahoney were chairmen, respectively, of the House Committee on Public Lands and the Senate Committee on Interior and Insular Affairs. Of course there is no way of telling why members of Congress showed interest in Puerto Rico. Representative Crawford came from a state that had beet sugar interests, which in theory should have made him an opponent for the increase of quotas on Puerto Rican sugar. And perhaps he was. But he did not desire to eliminate Puerto Rican competition in this area by granting the island independence. Indeed, he devised plans to utilize Puerto Rican migrant labor for farms in Michigan. New York representatives and senators generally supported the advancement of insular autonomy, which probably reflected their concern for the Puerto Rican constituents in their state. Partisanship was not seriously involved, for both Democrats and Republicans generally backed Puerto Rican self-government.

These several factors accounted for the virtual absence of opposition in 1950 when Muñoz Marín, very ably supported by Fernós-Isern, in whose mind the concept had germinated, asked Congress to permit the islanders to write their own constitution. It seemed to many members of Congress the logical step in the
advancement of insular autonomy. The Puerto Ricans had demonstrated their capabilities in the exercise of responsible self-government. It is probably true that many congressmen and senators saw the step as an issue separate from the question of political status. However they interpreted the phrase “in the nature of a compact,” they probably understood Public Law 600 of 1950 to give the islanders complete autonomy in internal matters, except that if things ever went out of control on the island Congress had the final authority to straighten them out.

This observation should not detract from the positive and progressive attitude of many of the United States legislators who believed that Puerto Ricans deserved the greatest possible self-government within the bounds of the United States policy of enlightened control over former dependencies and territories. Many were aware, too, that in the Commonwealth a new and unique experiment in federalism was being established. In retrospect it seems unfortunate that Congress did not define this experiment more clearly, because its vagueness was to become a source of controversy in the years ahead. But if Congress had attempted to do so, or if Fernós-Isern had been less adroit in his maneuvering, the project might have become bogged down in an endless debate over the question of political status.

Reference has been made so far only to Congress’ reaction to insular autonomy. The United States administrations, especially that of President Truman, played a substantial role. The Truman administration could boast of three major developments in the short space of seven years: the appointment of a Puerto Rican as governor, the first elective governor, and the establishment of the Commonwealth. Indeed, this was by far more than the administrations from 1898 to 1945 could claim for any and all overseas possessions. The Truman administration was, however, operating in a new era when big nations felt at least a new moral obligation to extend greater and greater self-government to its colonies, dependencies, and the like. National movements in Africa and Asia, inspired by Western political ideas of sovereignty, independence, and freedom, demanded an end to the domination by Western colonial powers. The colonial revolt had built up pressure in the years after the First World War and had gained momentum in the years following the Second. In Asia, for instance, India had achieved independence by 1947; and Burma, Ceylon, Indonesia, the states of Indo-China, and Malaya were in
different stages of evolution towards self-government and independence. The United States never regarded Puerto Rico as a colony and was sensitive to reference of it as one. It extended self-government to Puerto Rico as if it were a colony, however.

The Truman administration owed a great deal to its predecessor in terms of the direction that Puerto Rican development took. The personnel in the Department of the Interior under the Roosevelt administration worked for the same ends that were to be achieved under the Truman administration. Secretary Ickes, Undersecretary Fortas, and Governor Tugwell were committed to achieving an elective governorship in Puerto Rico. They were fully aware that the governor's post in the past was a position regarded as payment of partisan loyalty to some continental politician. They were convinced that Puerto Rico's administration should not be subject to partisan politics, for it was too important and too serious a task, one which involved the welfare of over two million people. But as progressive as their attitudes were, they failed to obtain even a modicum of self-government for the island, primarily because of the administration's deteriorating relationship with Congress. Secretary Ickes and the others were in no small way responsible for the failure in 1943–1944 to pass a bill intended to make the governor's post elective. Thwarted in this matter, the Roosevelt administration could not even consider resolving the status question. The dilemma is summed up in Abe Fortas' words:

I was at all times completely in sympathy with the idea that Puerto Rico should have an elected governor and complete dominion over all of its internal affairs through locally selected officials, and that United States participation in Puerto Rico's internal government should be eliminated so far and as soon as possible.¹

These high officials, although they were for a time members of the Truman administration, left their posts within twelve to
eighteen months of Truman's taking over the presidency. It was after their departure that relations between the administration and the Congress improved. Indeed, harmonious relations with the legislative body were absolutely necessary, because the Eightieth Congress was dominated by Republicans. This pattern was continued in the Eighty-first and Eighty-second Congresses, when Democrats were in control. Some of the persons worthy of mention are undersecretary, and later secretary, of the Interior Chapman; DTIP director Davis; and head of the Caribbean Branch of the DTIP, Mason Barr. Chapman had entered the Roosevelt administration in 1933 as an assistant secretary in the Interior department. By the time he became the secretary in 1949, his grasp of the Puerto Rican question was enormous and his understanding of the workings of Congress and the government excellent. He and other Interior personnel worked closely with Fernós-Isern to coordinate their actions vis à vis Congressional leaders. The smooth cooperation and coordination in the passage of the 1947 Elective Governor Act and of Public Laws 600 in 1950 and 447 in 1952 are examples of the approach that was absent in the early 1940s.

Fernós-Isern played a vital role in the implementation of the Commonwealth. He represented in Congress not only the insular government but the Puerto Rican people as well, since he had been elected by them. He acquitted himself extremely well as liaison between the Puerto Rican government on the one hand and the administration and Congress on the other. Since he was intimately involved in the formulation of the Commonwealth concept, he was in a good position to explain it to legislators and administrators, and to defend it before committees, conferences, and meetings.

A factor of considerable importance was the personality and politics of Muñoz Marín. This factor has been stressed in the advancement of Puerto Rican autonomy throughout this study. His inspiring leadership won the support of the Puerto Rican people. Fernós-Isern states, "... without him it would have been most difficult if not impossible to move the Puerto Rican people in the direction of Commonwealth and to sustain their efforts for its achievement."

Muñoz Marín used to the island's fullest advantage his familiarity with American political traditions and institutions, sometimes even to the point of exaggerated ego-building for the United
States. His excellent command of the English language, according to García Méndez, was no less an advantage in cultivating the friendship of administration officials and Congressional leaders, many of whom he came to know on a first-name basis. They in turn could not but be impressed by his charisma and knowledge of things. Congressional committees sometimes broke tradition by giving him standing ovations, and Congressional leaders saw in him a man who transcended Puerto Rico and through whom the United States could communicate with Latin America. They trusted and respected him, and his policies of close cooperation and association reassured them. Whatever reservations administration officials and Congressional leaders may have had about granting Puerto Rico greater self-government, such thoughts were partly allayed by the personality of Muñoz Marín. This was a considerable achievement for a man who up to 1937 had openly advocated political severance from the United States.

The success of the Commonwealth status was based considerably on its economic advantages. The implication of this was that neither statehood nor independence could offer similar benefits for the near future. Indeed, the United States generally accepted the argument in the 1940s and thereafter that economic disaster would follow if either of the two alternatives was hastily imposed upon the island.

In the case of statehood it was argued that it would lose customs dues and excise taxes on offshore shipments, as well as other forms of federal benefits. Besides, Puerto Ricans would need to pay federal taxes under statehood, and this might overburden their earning capacities. There would, however, be increased federal contributions: increased grants-in-aid, social security, assignments for roads, and so on. But it was difficult to calculate exactly whether the losses could be offset by the gains.

It was because of these compelling reasons largely that statehood never became an issue in Congress in the same way that it did in the cases of Hawaii and Alaska, two other important United States territories. These two territories, however, were "incorporated" and hence subject to full United States taxation even before they achieved statehood. They received no benefits from customs duties and United States excise taxes on offshore shipments, nor could they offer tax exemption as in Puerto Rico. Statehood in Hawaii and Alaska did little to change their tax relationship with the United States. Moreover, Hawaii and Alaska
were rich in natural resources and promised to be self-dependent assets within the Union. In addition to all that, the people of Hawaii and Alaska had explicitly shown their preference for statehood in popular referendums. Indeed, Hawaii had even organized in 1950 a constitutional convention to draft a constitution on the basis of statehood, although it became a state only in 1959.4

To be sure, organized political and economic groups advocating statehood in Puerto Rico conducted vigorous campaigns for support among United States lawmakers and the insular electorate. But Congress and the Puerto Rican people remained unconvinced about statehood in the face of its apparent disadvantages. In part, statehood proponents were unable to build up momentum for their cause in Congress because an anti-statehood party dominated insular politics throughout the 1940s. In the unlikely event that the Puerto Ricans had chosen to ask Congress for statehood in 1950, they would have faced some other hurdles that confronted Hawaii and Alaska in their battles for statehood, namely, partisan politics, race, noncontiguity, and so on. But the Puerto Rican statehood movement in the 1940s never really got off the ground.

In recent years, the support for statehood among Puerto Ricans has increased. Nearly 39 percent of those voting in the 1967 referendum chose statehood. The years of successful association under the Commonwealth have probably made Puerto Ricans more receptive to permanent affiliation with the United States. The move to become a state in the Union, however, would be an irrevocable one, and Puerto Ricans are not likely to rush into it. The findings of the 1965-1966 United States–Puerto Rico commission further suggest that the transition would be a difficult one. Leading estadista García Méndez concedes that the phenomenal increase in yearly Puerto Rican gross income has made Puerto Rico the “metropolis” and the United States the “colony.”5

The independentistas probably enjoyed some strength in the early 1940s, in part, because the PPD had not yet shed its image as a party of independence. There were many independentistas within the ranks of the PPD. But Muñoz Marín abandoned independence as a Popular goal in 1946 and expelled independentistas from the party. Thus spurned, the independence group formed a party of its own, the PIP. It has, however, shown no great electoral popularity and has grown weaker over the years.
The Puerto Rican people have remained unconvinced about independence. Only 0.6 percent of those voting in the 1967 referendum favored independence. To a very great extent this is because the independentistas failed to present effective plans and programs of how Puerto Rico might adjust to independence without suffering a drop in the growth rate and serious economic dislocation. The 1965–1966 United States–Puerto Rico commission was not persuaded that the transition to independence would require ten but not more than twenty years, as maintained by an economist representing the PIP. It felt that fundamental changes would be necessary in the institutional relationship between the island and the mainland. As an independent country, Puerto Rico would need to develop additional and alternative sources of financing capital investment and new export markets, for which an unspecified transition period, much longer than fifteen years, would be necessary.

From an economic point of view, the Commonwealth status has been extremely beneficial to Puerto Rico. It has fully exploited the unique tax and fiscal relationship between the island and the mainland to become industrialized and to upgrade the standard of living of the Puerto Rican people. Few other groups of people have achieved so much so rapidly. In the process of its achievement, however, Puerto Rico has developed a pattern of institutional relationship with the United States that has more and more come to assume a permanent structure. Puerto Rico's economic growth rate has become firmly tied to the pattern. This is why transition to statehood or independence in the future is going to be difficult. But the great merit of the Commonwealth status is that it is not irrevocable—it has left room for the Puerto Ricans to grow not only materially but spiritually as well, until a permanent solution can be found.

There are, of course, limitations to the status. The 1959 attempt to improve its terms indicated a substantial range of areas that required redefinition and refinement. Its opponents have not been slow to point out its weaknesses. Independentista Geigel Polanco raises a fundamental question: "The fact is that substantial powers are still exercised in Puerto Rico by the Federal Government of the United States." He denies that Puerto Rico has achieved full autonomy or that the relationship is based on the principle of bilateral "compact."6

García Méndez points to its legal and constitutional anom-
The Federal Firearm Act, he says, was made applicable to the United States but not to Puerto Rico. The Taft-Hartley Act, however, is applicable to Puerto Rico as well. Furthermore, the "National Labor Board has jurisdictional priority over the Insular Labor Board in any matter where a conflict of jurisdiction might emerge." In judicial matters, too, contradictory decisions prevail. He cites several examples, two of which are: in Mora v. Torres (113 F. Supp. 309 D.P.R. 1953) it was decided that the Fifth Amendment was still in force in Puerto Rico because the island was no longer a territory but subject to a new relationship determined by a "compact" that could not be unilaterally changed. However, a similar decision by the U.S. District Federal Court of Puerto Rico in Detrês v. Lions Building Corporation was revoked by the Court of Appeals 7th Circuit (234 2d 596 1956), which stated that Puerto Rico was still a "territory" and that there was no difference between a "territory" and the "Commonwealth."

In view of these weaknesses in the Commonwealth, what is the future of the status issue in Puerto Rico? It is appropriate to permit the thoughts of Fernós-Isern, the man who helped to formulate and implement the Commonwealth, to answer the question:

My own personal belief is that statehood in the union would mean a totally anomalous situation for Puerto Rico and the United States. It is an unnatural extremely difficult accommodation. I can not conceive that the people of Puerto Rico will ever agree to it, or ask and persist asking for it, and to pay the price for it. On the other hand I believe that it is not in the interest of the United States that the association of Puerto Rico therewith be dissolved. The United States will always find it contrary to its best interest to set up an independent republic in Puerto Rico.

Since the Puerto Rican people will insist on a completely self-governing commonwealth, it is obvious that the dilemma will not be "independence vs. statehood," but rather full self-government in association with United States or full self-government separated from the United States. Ultimately the decision will be made not by the Puerto Rican people themselves, but indeed directly or indirectly by the United States.8