

An Examination of Questions Raised  
Concerning the Relationship Between  
the United States and Puerto Rico

*A Case Study by Kenneth W. Bleakley*

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AN EXAMINATION OF QUESTIONS RAISED CONCERNING  
THE RELATIONSHIP BETWEEN THE UNITED STATES AND PUERTO RICO

I. Summary and Conclusions

With respect to criticisms made before the United Nations Committee on Decolonization and other bodies about the relationship between Puerto Rico and the United States, this analysis concludes:

- Puerto Rico's central location in the Caribbean has long assured its strategic importance and, thereby, its geopolitical role regardless of its political status. United States military activity is consistent with the defense needs of the island, the region and the United States. Puerto Rican concerns are accommodated through consultations and legal protections.
- Political dissent and advocacy of independence flourish on the island. Nationalist terrorism has resulted in strong countermeasures by United States and Puerto Rican authorities. The United States Constitution, Puerto Rican and United States laws provide protection for the accused and recourse when there are allegations of abuses.
- Despite a lack of natural resources, Puerto Rico has prospered as compared to its neighbors; though not by mainland standards. Increased dependence on federal transfers is troubling and would be aggravated by Treasury proposals to phase out private investment incentives under Section 936 of the tax code.
- There is a unique Puerto Rican national character and culture which is in the midst of an historical process of self identification. Puerto Rican institutions in support of this process are flourishing.
- There is no consensus regarding the direction of political change in Puerto Rico, though all leaders espouse some form of change. Greater mainland and Puerto Rican efforts to encourage self-reliance for the island advance American interests domestically and in the Caribbean Basin and enhance the viability of each of the three options available to Puerto Ricans: statehood, independence or perfection of the Commonwealth.

Kenneth W. Bleakley  
April 15, 1985

## II. Introduction-Puerto Rico and the United States at the United Nations

### Background

The United Nations General Assembly in Resolution 748(VIII) removed Puerto Rico from its list of non-self-governing territories in 1953. This was in recognition of the favorable report by the Committee on Information that establishment of Puerto Rico as an Associated Free State in 1952 freed the U.S. from its obligations under Article 73e of the UN Charter to file an annual report on its administration. The resolution affirmed that "In the framework of the Constitution and the compact agreed upon with the United States of America, the people of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as a status of an autonomous political entity."

On June 4, 1951, almost 70% of those voting had endorsed the Commonwealth in the first status plebiscite under U.S. rule.

Nonetheless, by 1960 the emergence of Cuba as a critic of the U.S. and the sentiment of the newly independent nations of Africa and Asia against any vestiges of colonialism converted the UN and the meetings of the Non-Aligned Movement into fora for the small but articulate independence movement of Puerto Rico. General Assembly Resolution 1515 (XV) acclaimed that "immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories that have not yet attained independence to transfer all powers to the peoples of those territories without any conditions or reservations..." The Special Committee of Twenty Four, known as the Decolonization Committee replaced the Committee of Information to implement the "speedy and total application" of the resolution. Soviet Premier Nikita Krushchev, Cuban Foreign Minister Raul Roa and Premier Fidel Castro immediately launched the attack on the U.S.-Puerto Rico relationship.

The Decolonization Committee has kept the issue alive as an international concern. It has consistently passed resolutions lamenting that the U.S. has taken no steps to implement a transfer of powers under Resolution 1514. In 1981, the committee recommended in its Omnibus Resolution that the case of Puerto Rico be put on the agenda of the General Assembly as a "separate item." However, the U.S. has prevailed in its view that the UN lacks jurisdiction and the issue has not appeared on the agenda.<sup>1</sup>

As of March, 1985, the Committee of 24 has adopted a somewhat less polemic than usual resolution on Puerto Rico, introduced by Cuba and Venezuela. There are no immediate prospects for its consideration by the General Assembly.

## The Opposing Positions on Jurisdiction

Those asserting the jurisdiction of the UN rely on General Assembly Resolution 1514 calling for "complete independence and freedom" of "all other territories that have not yet attained independence." They deny that the Commonwealth status enjoyed by Puerto Rico is "free association" defined elsewhere in the resolution as an acceptable outcome. The U.S., for its part, has maintained that the UN has no right to interfere in a domestic concern involving U.S. citizens in the U.S. and Puerto Rico and that such interference is unacceptable under the UN Charter, Article 2, Section 7 prohibiting interference in the internal affairs of member states. It has stated: "On the question of UN jurisdiction, the U.S. believes that the UN effectively discharged its responsibilities in the matter through its 1953 decision. Moreover, through their elected representatives, the Puerto Rican people have declined the Committee of Twenty Four's jurisdiction. Any review by the U.S. of its position would of course take due account of the wishes of the Puerto Ricans themselves. This is the only position that would be consistent with our views on self determination."<sup>2</sup>

## The Substance of the Issue

The question of UN jurisdiction is a political issue which will be determined by the degree of effort that Cuba and the Soviet Union and others expend and on the ability of the U.S. in opposing that effort. Totally unrelated issues in the international scene will play a large role in its outcome. However, behind the international debate lay the complex issues in the U.S./Puerto Rico relationship which have evolved over the 87 years since the Treaty of Paris transferred jurisdiction from Spain to the U.S. in 1898. The purpose of this paper is to examine the substance of the criticisms which have been levied in the UN and elsewhere about that relationship.

Those who claim that the relationship between Puerto Rico and the U.S. is fundamentally flawed argue that, whatever the outward form, Puerto Rico remains essentially a colony of the U.S. without a voice in basic decisions such as making war, controlling immigration, regulating its economy or even issuing postage stamps. Independence leader Ruben Berrios has testified: "...We cannot accept the notion that any people or nation can legitimately exercise its right to self determination without and until it is sovereign or independent. Just as a slave cannot choose "freely" to continue to be a slave, a nation without sovereignty or independence, in other words a nation without freedom, cannot make free decisions. It is absurd to talk of the "free decisions of a slave."<sup>3</sup>

This argument is used to invalidate every vote in which the Puerto Rican people have overwhelmingly opposed independence as they did in 1951 and again in 1967 as well as in regular elections for Governor. On its face it would appear to contradict the very notion of self determination. It would raise fundamental constitutional questions in the U.S. which extended U.S. citizenship to Puerto Ricans under the Jones Act of 1917. The late Governor Luis Munoz Marin, citing a 1947 Supreme Court Decision has argued: "No one can be deprived of his American citizenship against his will."<sup>4</sup>

The key question is whether there are elements within the relationship which, in fact, so undermine the freedom of choice as to make the election results meaningless. While hyperbole and political distortion frequently color the accusations against the U.S. management of the relationship, the following assertions by critics appear worthy of further study:

- The U.S. is militarizing Puerto Rico.
- The U.S. has taken repressive measures against pro independence forces.
- The U.S. is ruining the economy, exploiting the natural resources, and despoiling the environment of Puerto Rico.
- The U.S. is undermining the latin culture of Puerto Rico.
- Puerto Ricans want a change of status.

### III. Is the United States Militarizing Puerto Rico?

#### Basis for the Concern

Puerto Rican and international groups have claimed that the U.S. has been increasing its military activities in Puerto Rico in recent years, making plans to expand its bases and engaging in military exercises. They relate these activities to the invasion of Grenada and to reported plans for intervention in Nicaragua and the rest of Central America. They see this as the logical continuation of military activity which began with the bombardment of San Juan during the War with Spain and included extensive expansion of U.S. military activity during WWII, following General George Marshall's call in 1939 for conversion of Puerto Rico to a military department similar to the Canal Zone, Hawaii and the Philippines.<sup>5</sup>

The Colegio de Abogados de Puerto Rico (Bar Association) has been particularly concerned about U.S. naval bombardment at the firing range on and near the island of Vieques, 70% of which is used by U.S. forces, and claim it adversely affects the economic and social development of the area. They have repeatedly brought these concerns both to the U.S. Congress<sup>6</sup> and to the UN Decolonization Committee.<sup>7</sup> Many view even the limited Army and Air Force strength less as an implement to be used in defense of American interests outside of Puerto Rico than as a force symbolizing the American presence in Puerto Rico itself.<sup>8</sup>

All of this relates to the broader concern that the concept of "Common Defense" can involve Puerto Rico in wars not of its own choosing since it has no voting representation in Washington. Arturo Morales Carrion pointed out with respect to the use of Puerto Rican troops in WWII, for example that: "These troops were drafted according to laws passed by a Congress that for nearly half a century had been quite indifferent to Puerto Rican pleas for self government."<sup>9</sup> Other concerns have been expressed about participation of the Puerto Rican National Guard in the Readex and Ocean Venture military exercises in Central America. Finally, the specter of nuclear attack on Puerto Rico as a result of its ties to "common defense" with the U.S. has been exacerbated by questions about U.S. compliance with the Treaty of Tlatelolco banning nuclear weapons from Latin America. This issue took on new heat with the publication in THE NEW YORK TIMES, February 13, 1985, of U.S. contingency plans for the deployment of nuclear weapons in Puerto Rico and the Puerto Rican Government's denial of knowledge of any such plans.

## Analysis of the U.S. Military Presence

### Military History

Military activity in Puerto Rico certainly did not begin with the U.S. presence and, in fact, is in keeping with its historic role. Puerto Rico's foremost anthropologist Ricardo Alegria has noted that in pre-Columbian times, Puerto Rico was the front between the Taino indians and the Arawak groups, and the more warlike Caribs. When Spain ruled the Caribbean world, Puerto Rico was the frontier where other great powers sought to make inroads into the Spanish Empire.<sup>10</sup> Morales Carrion reinforces the view that the peaceful and sedentary original inhabitants of the island were threatened by the warlike Caribs who also were to challenge with bravery and ferocity the Spanish domination of the island. In the imperial studies of the first centuries of colonization the Spaniards had described Puerto Rico's position as the "Christian Rhodes," "The key to the India." Manon has described it as "the Caribbean Malta."<sup>11</sup> Most of the historic sites to which Puerto Rico calls attention in its tourist publications such as San Felipe del Moro, The Dominican Convent, Plazuela de la Rogativa, La Forteleza, Plaza de Armas, El Arsenal, San Cristobal, and San Geronimo all have an extensive military history.<sup>12</sup>

### Military Importance

Puerto Rico's central location in the Caribbean assures its continuing strategic importance and, thereby, its continuing international geopolitical role regardless of its political status. Colonel Frank H. Butler, in a paper for the 1981-82 Seminar, summarized U.S. strategic interests in the area as follows:

These interests include the protection from interdiction of the Panama Canal and the area's five sea lines of communication..Two thirds of the oil imported into the U.S. originates or passes through the Caribbean... Additionally, the "soft underbelly" presented by the Caribbean on the U.S. southern flank must be denied to potential enemies...The naval base at Roosevelt Roads is the most important U.S. installation in the Caribbean and is the least vulnerable to loss by either military attack or political dictates. The deep water ports, 11,000 foot runway, and the large ammunition storage areas on Vieques make it potentially an outstanding forward staging installation. The U.S. Navy terms the facility their "University of the Sea." It is the only place presently available wherein the Atlantic Fleet can be trained and can conduct the full range of combat exercises. The Puerto Rico bases are also invaluable as the staging area for humanitarian relief efforts in the Caribbean...to interdict illegal drugs...Puerto Rico is the focal point for an active and important search and rescue mission.<sup>13</sup>



## Response to the Military Concerns

Puerto Rico's strategic location makes a degree of military activity in its own defense and that of the region inevitable, particularly in the light of the extensive militarization of Cuba and Nicaragua within the Caribbean Basin. The question should be whether the level of activity constitutes "militarization" of the island, is consistent with the real needs of the U.S. and Puerto Rico, and attempts to accommodate legitimate Puerto Rican concerns. Given the history and location of the island it is hard to find validity in the argument that U.S. ongoing naval activity at Roosevelt Roads and Vieques or the presence of some 400 U.S. army troops constitutes "militarization". The U.S. consults closely with the elected government of Puerto Rico on all military activities involving the island including the expansion and modernization of military facilities. When disputes have arisen on occasion, the Government of Puerto Rico has not hesitated to avail itself of judicial remedies as Governor Romero did when he filed a federal suit against the navy for not complying with regulations of the federal Environmental Protection Agency. Nor have Puerto Rican leaders failed to exploit the importance of the bases in advancing Puerto Rico's broader interests with the U.S. Robert Pastor notes that during WWII the U.S. naval base at Roosevelt Roads was vital to the war effort and it was easy to convince Washington that the security of the base depended on the political stability and economic development of the island.<sup>14</sup> 40 years later the present Governor, Rafael Hernandez Colon, argued with respect to an items of U.S. law of economic importance to Puerto Rico: "Repeal of Section 936 would have the contrary effect of jeopardizing a critically important naval based by destabilizing the most important democracy in the region."<sup>15</sup>

The Governor has also made his position clear with respect to nuclear weapons. On February 14, 1985, he told the Legislative Assembly in his Annual Message: "...This subject has worried me for many years and on several occasions I have asked the Armed Forces and other federal functionaries about this and the answer has always been engative, that there are no nuclear weapons here. When the news broke yesterday (April 13, NYT) I communicated with the White House and I was assured that the U.S. respects its obligations under interational treaties prohibiting the locating of nuclear arms in Puerto Rico and Latin America. The position of my administration is unequivocally that the Treaty prohibiting the use of nuclear arms in Puerto Rico must be honored."<sup>16</sup>

With respect to the draft, it is worthy of note that the President of the Puerto Rican Senate first called on President Wilson to apply the Selective Service Act to Puerto Rico in 1917 in the aftermath of the Jones Act granting U.S. citizenship to Puerto Ricans. Over 236,000 were registered and 18,000 selected

during the First World War. The Puerto Rican National Guard created in 1919..was federalized and brought into active duty on October 14, 1940, as the 295th infantry regiment. A total of 65,000 Puerto Ricans served in the U.S. Armed Forces during WWII...A high proportion, 23,000, were volunteers.<sup>17</sup> The high level of volunteers and admirable battle record in the World Wars, Korea and Vietnam demonstrate that Puerto Ricans take their U.S. citizenship seriously and also receive the same entitlements under federal law as other U.S. veterans. The U.S. acknowledges that military personnel in Puerto Rico have taken part in exercises but such exercises are normal for the military of any nation.

#### IV. Has the United States Taken Repressive Measures Against The Independence Forces?

##### Basis for Concern

In the view of pro-independence writer Manuel Maldonado Denis the army of the U.S. invaded Puerto Rico in 1898 to impose a dictatorship and establish a rule based on "might makes right."<sup>13</sup> He and others, to a greater or lesser degree, interpret subsequent events beginning with the "Rule of the Tsars" (the U.S. military Governors, 1898-1900) as a series of measures by the U.S. designed to repress and eliminate pro-independence forces. Roberta Ann Johnson has argued that: "Independistas were discriminated against and harassed under U.S. rule, according to Maldonado Denis as early as the 1920s, when Governor E. Mont Reilly purged Independistas from all government posts. Harassment continued during the 1930s with orders from Gruening and Winship and, according to Hanson, by the early 1940s FBI agents seemed to be investiatiating everything."<sup>18</sup>

Much of the debate centers around the Nationalist Party for a Free and Independent Republic, founded in 1922. Independence activist Pedro Albizu Campos assumed the leadership of the party in 1932 when the effects of the Great Depression were hitting Puerto Rico with particular severity. Following the assassination of U.S. Police Chief Riggs in 1935 and the killing of the two alleged Nationalist assassins while they were in police custody, Albizu and some followers were accused on March 5, 1936 of conspiring to overthrow the federal government. Morales notes that: "According to an FBI Report of March 31, 1936 searches made on the homes of know nationalists elicited no evidence of value and the U.S. attorney believed that Alibizu and his associates, if tried, would be acquitted."<sup>19</sup> Indeed, the first trial resulted in a hung jury. The second jury, carefully chosen, had only two Puerto Ricans. It brought a speedy guilty verdict and Albizu and his companions were sentenced to jail for 2-10 years. This and subsequent pardons, arrests and convictions of Albizu caused him to continue to receive worldwide attention for 40 years. As recently as 1979-80 the U.S. was denounced before the Committee of 24 for murder by "atomic radiation" of the Nationalist "martyr."

The other most significant events leading to charges of repression include the "Ponce Massacre," Palm Sunday, March 21, 1937, in which nineteen people were killed including two policemen. An inquiry by the American Civil Liberties Union recognized the "dogmatic, finantical" frame of mind of the nationalists but concluded that there had been "a gross violation of civil rights and incredible police brutality."

The most recent cause celebre involves the killing of two young Nationalist terrorists by the Puerto Rican police at Cerros de Maravilla in July 1978. There are serious accusations that the police killed the two in cold blood and not in a gun battle as originally claimed, that they did so on higher orders and that there was a coverup in which U.S. law enforcement authorities participated. The Colegio de Abogados has specifically accused the U.S. of complicity stating in August 1984: "During the last year the FBI in documents made public under the Freedom of Information Act admitted that it was involved in the coverup of the Cerro Maravilla case in which the Puerto Rico Police trapped and assassinated two young independence activists and the government later maintained a coverup of those crimes for six years."<sup>21</sup>

### Analysis of Charges of U.S. Repression

Drawing the line between acts of legitimate political opposition and of terrorism presents a democracy with one of its greatest challenges. The existence of a dedicated and vocal minority capable of challenging the majority opinion is essential to the working of the democratic system. The rise of terrorism as an instrument for affecting change, the attempt of terrorists to assume the legitimacy of straightforward political opposition and their attempt to provoke official excess in response to their illegal acts are not easily dealt with in an open society. Thus, the U.S. experience with the independence movement in Puerto Rico during the last half century takes on particular relevance in the present world environment.

### The Role of the Legitimate Opposition in Puerto Rico

The U.S. has long recognized that independence is a legitimate outcome for Puerto Rico if that is what is desired by its people. The Partido Independista Puertorriqueno (Puerto Rican Independence Party) led by Senator Ruben Berrios Martainez participates actively and vocally in island and international politics, is represented in the Puerto Rican Senate and waged a highly visible campaign against the 1967 plebiscite on political status. The Partido Socialista Puertorriqueno (Puerto Rican Socialist Party) led by Juan Mari Bras has also been vocal and articulate in expressing its pro-independence and pro-Castro views, though it has attracted less than 1% of the vote. At the same time, the major political parties representing over 90% of the electorate have both been successful in removing the other from office in a series of free and open elections. Neither the pro statehood Partido Nueva Progresista (New Progressive Party) in power from 1976 to 1984 nor the Partido Popular Democratico (Popular Democratic Party) which won the 1984 elections has shown any reluctance to attack the positions and the personalities of the other whether they were in power or not, whether they appeared to have the support of the U.S. Administration in power in Washington or not.

The Puerto Rican Bar Association, and its commission for Study of the Constitutional System of Puerto Rico have been unrelenting in presenting carefully prepared critiques of the U.S./Puerto Rico relationship in Puerto Rico, Washington and before the UN as cited frequently in this paper. The publicly funded University of Puerto Rico, especially the Social Science Faculty and Center of Social Investigations, has likewise spoken out forcefully and consistently on its views about the relationship as acknowledged by Maldonado Denis in the prologue to *PUERTO RICO, AN HISTORIC SOCIAL INTERPRETATION*.<sup>22</sup> Puerto Rico's press and its best known writers publish their opinions on all aspects of the relationship freely and passionately.

Morales Carrion has observed that by the 1940s Puerto Rico had become the haven for many democratic exiles from totalitarian governments. The University of Puerto Rico offered its hospitality to outstanding Latin American professors who had to leave their countries and, in the 1950s, to one of the architects of the democratic revival of the Caribbean, Romulo Betancourt. Puerto Rico became a hub of what was later called the Latin American "Democratic Left". He notes: "If in 1940-45 Puerto Rico had the role of Caribbean Malta, from 1952 onwards it became a bastion of democratic thought in the Caribbean."<sup>23</sup>

#### The Problem of Terrorism

The element of violence substantially alters the discussion of dissent in a democratic society. While the charges of repression certainly extend beyond the points discussed so far about allegations of U.S. excesses, Albizu Campos, the Ponce Massacre and the Cerros de Maravilla case have received the most attention. All arose out of potential or actual violent acts directed against the state-not out of simple political expression. In the 1930s and again in the 1950s outbreaks of violence occurred both in Puerto Rico and in the U.S. On October 30, 1950, the Nationalists mounted an uprising on the island; lasted 72 hours and left 32 dead. Two days later, two New York Puerto Ricans attempted to kill President Truman. On March 30, 1954, four nationalists wounded five congressmen in the U.S. House of Representatives. Organizations in Puerto Rico, under the guise of fighting for independence, have carried out bombings, murders and other violent crimes.

The police, FBI, grand juries and prosecutors all have a legitimate role to play in investigating crimes and bringing the responsible to justice. The U.S. criminal justice system contains ample safeguards for the accused including the right to representation, to trial by jury and to appeal and review up to the Supreme Court if appropriate. Powerful private organizations such as the bar associations and American Civil Liberties Union monitor the process as does the informed electorate through the press. All have been operative in the cases cited by critics. All witnesses, suspects and defendants are guaranteed the civil

rights set forth in the U.S. Constitution and U.S. and Puerto Rican laws. While the circumstances of particular incidents may remain in dispute it is difficult to imagine a more just system for protecting the rights of Puerto Ricans than they enjoy as citizens of the U.S.

The system has built in safeguards against abuses by the authorities. In the Cerrros de Maravilla case, for example, the opposition made it a major issue in both the 1980 and 1984 campaigns against the party in power. The new Governor announced in his Inaugural Address January 2, 1985, that all those responsible for the murders and cover up will be prosecuted by an independent special prosecutor with powers and permanence established by legislation. There have already been convictions for perjury in the case.

V. Is the United States Damaging the Economy, Exploiting the Natural Resources and Despoiling the Environment of Puerto Rico?

Basis for the Concern

Those making the bluntest accusations about the socio-economic system of modern Puerto Rico claim that industries established there are making indiscriminate use of the natural resources, that the island is growing in economic dependence and that its seas, lands and air are being used as a dumping ground creating a growing threat to the population. They argue that the quality of life is decreasing at an accelerating rate, expressed in high levels of unemployment, disease, crime, drug addiction and other social problems.

Analysis of Socio-Economic Concerns

The complexity of a society in transition between a traditional agricultural economy and a modern industrial one at the same time straddling the less developed world of the Caribbean Basin and the post-industrial society of the U.S. does not lend itself to the simplified analysis; not in this paper, and certainly not in the highly politicized debates of the Committee of 24 from which the above criticisms are extracted. The comments which follow about the essential elements of the Puerto Rican economy seek to demonstrate the complexity rather than to point to easy solutions to the issues they raise.

Natural Resources and the Historical Base of the Economy

Aside from its climate, its people, and the agricultural products they have produced (mainly coffee and sugar, on a tropical island of 3,515 square miles with a current population of 3.2 million), Puerto Rico is almost totally lacking in natural resources. Its native inhabitants scratched out an existence based on subsistence farming, hunting and fishing. As noted in the Introduction to PUERTO RICO AND THE PUERTO RICANS: "For the original indigenous population Spanish economic expansion and exploitation meant death, migration, disruption of their society and economy, diseases, exploitation and domination by external forces--leading to the total destruction of its culture. Subsequently the island's development within the empire was tied to the production of foodstuffs and raw materials and the defense needs of the Spanish colonial metropolis. This prevented the settlers from developing an economy capable of taking advantage of the world markets of the industrial nations and from developing a more balanced economy...The nineteenth century witnessed the transformation of Puerto Rico from a primarily colonial military base to an economic colony."<sup>24</sup>

Puerto Rico does not have the basis for extraction of raw materials nor are there any significant possibilities. It is dependent on the importation of foreign oil for almost 100% of its energy needs. Thus, labor, entrepreneurship, technology and capital must provide the engine of economic growth and social well being for the people of Puerto Rico since they lack land and natural resources.

### Economic and Social Indicators

The major economic and social indicators show a remarkably similar pattern. They look exceptionally good when compared with earlier periods in Puerto Rico's history and with the performance of its neighbors in the Caribbean Basin. They look exceptionally bad when compared to the boom days of "Operation Bootstrap" and to even the poorest states on the U.S. mainland. Key indicators compiled by the Government Development Bank and other sources are:

- Gross National Product is 14 billion dollars, fractionally less in real terms than in 1980. This represents real growth of 4.7% in 1984 following two years of decline and compares with 8% growth rates in the 50s and 60s which reversed decades of economic stagnation. Former Governor Roberto Sanchez Vilella attributes the annual 1.2% real growth over the past decade to increased government and private consumption expenditures.<sup>25</sup>
- Per Capita Personal Income for 1984 of \$4096 compares to \$12,858 in the U.S. and about \$8,000 in the three poorest States. However, this is four times greater than the average for the Caribbean Basin of under \$1000. Robert Pastor points out "The poorman of the 1930s had the highest per capita income in Latin America by 1968."<sup>26</sup>
- Per Capita Federal Expenditures are \$1422 as compared to \$2591 for the U.S. as a whole and \$1792 for the poorest state, Mississippi.
- Education levels show 48% of students completing grade school compared to 100% in the U.S., 21% completing high school compared to 66% in the U.S. and 9% completing college compared to 12% in the U.S. The last figure is particularly impressive since there was no University in Puerto Rico prior to the 20th Century.



- Infant Mortality is 17.2 as compared to 11.0 in the U.S. The broader Physical Quality of Life Index (a composite of life expectancy, infant mortality and literacy) ranks Puerto Rico 28th in the world, placing it high among industrialized nations and far ahead of the other nations of Latin America.
- Foreign Trade as noted by Sanchez Vilella, was 1.07 times GNP, perhaps the highest of any comparable society in the world. Thus he sees a structural disequilibrium in the economy leaving it increasingly vulnerable to outside forces, particularly to the U.S. economy which is the source of 64% of Puerto Rico's imports and recipient of 84% of its exports.<sup>27</sup>

### Unemployment and Migration

The structural unemployment which besets all the countries of the Caribbean Basin has been a problem for Puerto Rico throughout its modern history. Governor Hernandez Colon listed it as his highest priority in his inaugural address, January 2, 1985. Its present level of 22% is down somewhat from the high of 23.4% in 1983 but shows a marked deterioration from the 10% level which prevailed in 1970 when industrialization under "Operation Bootstrap" was in the midst of its greatest advances. Even then, Carr points out: "Between 1950 and 1977, a dramatic increase of 309% in GNP provided only a miserable 24% increase in employment."<sup>28</sup> The problems faced by Puerto Rico in this regard are similar to those faced by modernizing nations everywhere. The creation of jobs in urban centers draws the population from the rural areas and from labor intensive agriculture to capital intensive industry. It is a boon to those who find employment but has left the cities of the world teeming with the unemployed.

Puerto Rico has enjoyed a unique escape valve for this problem since its population has U.S. citizenship and unlimited access to the U.S. without restriction. Over one million Puerto Ricans, more than a third of the island's population, has moved to the U.S. mainland, where, with the new generation, some 2 million Puerto Ricans now reside. More than 200,000 have emigrated since 1976 alone. By contrast, in the early 1970s there was a net return migration to Puerto Rico. The advantages and disadvantages of this massive flow of people can be argued indefinitely. What must never be overlooked is the extraordinary freedom which this provides the individual Puerto Rican in determining his own future. This opens up a range of political and economic options for the individual Puerto Rican which counterbalance in many respects the limitations imposed by the association of his nation with the U.S.

## The Impact of U.S. Legislation, Especially Section 936

Over 500 federal programs apply to Puerto Rico as well as the full range of federal regulations. For example, environmental protection regulations and minimum wage laws have provided Puerto Rico with standards among the highest in the world for protecting the environment and avoiding exploitation of workers. At the same time they have undermined Puerto Rico's international competitiveness as compared to nations with lesser standards. The island's elected leaders, its resident representatives and Office of the Commonwealth in Washington as well as native Puerto Rican elected officials and distinguished statesmen such as Teodoro Moscoso, Arturo Morales Carrion and Jaime Benitez have proven skillful and energetic in attempting to reconcile these conflicting priorities in the U.S. legislative process. Governor Luis Munoz Marin was renowned for his influence in Washington. Whatever the pros and cons of the individual legislative provisions, it is difficult indeed to sustain an argument that they are based on U.S. exploitation of Puerto Rico.

At present the main debate rages over proposals by the U.S. Treasury to eliminate the special provisions of Section 936 of the Internal Revenue Code which provides unique exemptions for investors in Puerto Rico from U.S. taxes. It and its predecessor provisions have served as the underpinning for economic expansion, particularly into high technology products which now constitute 64% of the island's total merchandise exports.<sup>29</sup> The handling of this sensitive issue by the Government of Puerto Rico is illustrative of its relationship to the U.S. Government.

In his Annual Message to the Legislature, Governor Hernandez Colon has stated: "Treasury has no legitimate cause to revise the ground rules for taxing business investments in Puerto Rico to which it recently agreed. Section 936 was amended by the Tax Equity and Fiscal Responsibility Act of 1982...to correct perceived abuses..These amendments painstakingly negotiated by Treasury, the Government of Puerto Rico and other interested parties were supposed to stabilize the uncertain tax environment in Puerto Rico."<sup>30</sup> In support of this position Puerto Rico is mounting an all out lobbying effort using not only its own resources but also, as it has in the past, organizations such as Covington and Burling who have prepared a point-by-point rebuttal of the Treasury proposal.

Not relying just on special pleading, the Governor announced in his inaugural address an innovative proposal for utilizing the provisions of Section 936 to advance the Caribbean Basin Initiative in order to enhance the prosperity of the region. Puerto Rico's Director of its Federal Affairs Administration in Washington, Jose Ortiz-Daliot described to the

International Law Institute, February 28, 1985, how consultations with Washington converted the Caribbean Basin proposal into "more of an opportunity than a danger to Puerto Rico." He explained: "The 936 companies now have nearly \$7 billion in accumulated earnings on deposit in Puerto Rican Banks, 10% under direct control of the Puerto Rican Government Development Bank. The Governor is proposing to make these funds available for investment by Puerto Rican Companies that are willing to engage in coordinated manufacturing activities in Puerto Rico and neighboring Caribbean or Central American countries, provided they add at least 20% of the value of their products in plants located within the Commonwealth."<sup>31</sup>

### Dependency on Federal Transfers

In 1950 Federal transfers represented only 9% of Puerto Rico's GDP; by 1980 federal assistance accounted for 29% and over 60% of the population were receiving food stamps.<sup>32</sup> Robert Pastor has described this and the island's dependence on imported food as symptomatic of a colonial relationship.<sup>33</sup> Roberta Ann Johnson has noted that: "Food stamps have become a 'second currency' growing into an addiction economists and politicians say would cripple the economy if withdrawn. Economic dependency holds the island with a strong grip"<sup>34</sup> Morales Carrion has noted: "Federal disbursements, food stamps and several federal assistance programs were not geared to a well thought out national plan for economic development."<sup>35</sup>

It should be observed that most of the above comments could be made to some degree about cities anywhere in the world with a strong social welfare program. The federal deficit and growing concerns about the "cycle of welfare dependency" have generated major rethinking about federal transfers in general and have already resulted in painful cuts of many federal programs. A strong Puerto Rican economy sustained by self generating growth in private investment and production rather than federal handouts benefits not only the Federal Government but also the viability of each of the choices for political status: independence, statehood or strenghtening of the Commonwealth. Achieving this economic viability without sacrificing the welfare of those dependent on federal grants is the real challenge facing U.S. and Puerto Rican leaders.

## VI. Is the United States Undermining the Latin Culture of Puerto Rico?

Recognizing the Latin American identity and character of the Puerto Rican culture and people, debate in the Committee of 24 has centered on attempts to undermine the features and values of that culture. Critics claim that these take place through the colonization of education, the cultural institutions and the mass media and the plans and actions aimed at establishing English as the official language.

These charges find their roots in the Spanish colonial experience and the early days of U.S. rule. Lopez notes that of the 30,000-50,000 (Taino) indians who lived on the island when the Spaniards arrived, only a few thousand remained by the early 1530s...in 1582 the Spanish Governor wrote to his king that there were almost no indians left."<sup>36</sup> Thus, the indian culture which continues to play an important role in many Latin American countries such as Mexico and Guatemala had been all but obliterated during Spanish rule.

Theodore Roosevelt (son of the late President) who became Governor of Puerto Rico in 1929 describes in his 1937 book, COLONIAL POLICIES OF THE U.S., how the U.S. set out to "Americanize" Puerto Rico. He point out not only the considerable advances in sanitary and health conditions and the expansion of public works but also the extensive advances in education and the economy. He also acknowledges that Spanish was the sole language of the island and that: "We set out deliberately to change this and to make Puerto Rico English speaking...This Americanization was much more than a large group of Puerto Ricans had anticipated." At the same time, he expressed his own preference to lay the foundations for a dominion status which would not preclude independence. He noted that: "to gain such an end there would be no reason to continue the hopeless drive to remodel all Puerto Ricans so that they should become similar in language, habits and thoughts to continental Americans."<sup>37</sup>

### Analysis of Cultural Considerations

Discussion of the culture of Puerto Rico can be viewed either as enormously complex or as surprisingly simple. It is complex as is the study of any culture if one looks at its multiple manifestations, history, varying interpretations, and subcurrents. On the other hand it is relatively simple to analyze the concerns expressed in the Committee of 24. After 87 years of close association with the U.S., unique Puerto Rican educational and cultural institutions are prospering, the mass media displays all the vigor characteristic of a free press in Latin America and Spanish maintains its unshakable hold as the language of Puerto Rico.

## The Complexity of Puerto Rican Culture

The first question to be addressed is whether there is, in fact, a distinct Puerto Rican culture and identifiable nation. In addition to the rich literature on the subject by native authors, outside observers have undertaken several landmark studies whose results indicate the complexity of the question:

- THE PEOPLE OF PUERTO RICO, A STUDY IN SOCIAL ANTHOPOLOGY completed in 1956 by Julian Steward, et al found that the subcultural distinctions operative in a structured society such as Puerto Rico are in many particulars more significant than the common patterns... the features which are labelled "typically Puerto Rican" generally apply to those groups which have had the means to perpetuate the Hispanic upper middle class tradition."<sup>38</sup>
- THIRTY YEARS OF CHANGE IN PUERTO RICO by Dorothy and James Bourne looked at Puerto Rico over three decades up to 1966. They found that: "Planned change characterizes present day Puerto Rican society; political status and economic ties connect it with a larger society. Its nationalist aspirations are strong--conscious and unconscious, sometimes with strong political overtones, sometimes satisfied by an effort to preserve and create a distinct Puerto Rican culture."<sup>39</sup>
- SOCIAL CLASS AND SOCIAL CHANGE IN PUERTO RICO by Melvin Tumin found in 1960 and 1970 that: "...the country stands on the threshold of acquiring a being, a 'manera de ser'. Puerto Rico is wide open in its potentialities and possibilities. It has a rare and precious opportunity to create itself."<sup>40</sup>

This writer concludes from the above studies and from his own observations that there is indeed a unique Puerto Rican national character which, far from being undermined, is in the midst of an historical process of self identification. This is evident in the outward manifestations of Puerto Rican life today.

### Manifestations of Puerto Rican Cultural Life

The following are illustrative of a society which, among other accomplishments: boasts more daily newspapers than virtually any city in the U.S.; publicly venerates the rural native (Jibaro) who has been the backbone of agricultural society; and is continuing to make extensive progress in preserving its Spanish colonial architecture.

- Language - Maria Teresa Babin has observed: "English has been taught in the schools of Puerto Rico since the U.S. came to exert political power over the island; but English has never been the language of Puerto Rican daily life, in literature or in education notwithstanding the efforts to promote English and the policy of bilingual education."<sup>41</sup> This simple truth is evident anywhere one travels on the island. Spanish flourishes throughout Puerto Rico in the same manner as it does in independent Latin American countries.
- Hispanic Ties - As note previously, Puerto Rico has for several decades been a refuge for Latin Americans of all persuasions, most recently a substantial influx of Cubans. Today it is reaching out to establish stronger economic ties with the Caribbean basin and engaging in other exchanges through the Puerto Rican Department of State. Governor Hernandez Colon has announced the formation of a Commonwealth of Puerto Rico Commission to coordinate projects for the 5th Century of the discovery of America and to represent Puerto Rico at the conference of National Commissions of Hispanic American Countries.
- Cultural Institutions - In addition to the wide variety of private cultural institutions Puerto Rico abounds in public and quasi public institutions including:
  - The University of Puerto Rico is an island wide system of universities and two-year colleges which offers a variety of programs to some 50,000 students. Nearly 140,000 students are enrolled in institutions of higher learning, public and private.
  - Fundacion Puertorriquena de las Humanidades (The Puerto Rico Endowment for the Humanities) affiliated with the U.S. National Endowment for the Humanities has as its objectives to bring the richness and the experience of cultural values contained in the humanities to the Puerto Rican people. It extends grants to Puerto Ricans in all branches of the humanities.
  - Instituto de Cultura Puertorriquena (Puerto Rican Cultural Institute) was created by the Government of Puerto Rico to foster the study, conservation and enrichment of the culure of Puerto Rico. Its first Director, Ricardo Alegria has led in the rediscovery of the indian culture from which Puerto Rico grew.

VII. CONCLUSION: Do the Leaders, Organizations and People of Puerto Rico Want a Change of Status?

This paper has not attempted to evaluate the major options for political status: independence, autonomy or statehood. Rather it set out to determine whether the conditions exist for Puerto Ricans freely to select the option of their choice. It specifically rejects the proposition that independence or any other option should be imposed on Puerto Rico by the UN or any other body without a clear expression of Puerto Rican will.

By the time of the U.S. war with Spain in 1898 only Cuba and Puerto Rico among the nations of Spain's once vast Latin American empire had not achieved independence. As a result of that war, jurisdiction over Puerto Rico, Cuba and the Philippines was transferred to the U.S. in 1898, under the terms of the Treaty of Paris. Today, of the three, only Puerto Rico has not become an independent nation. What accounts for this unique evolution in Puerto Rico?

Puerto Rico has not wanted for leaders to espouse the various alternative options with respect to its status. The call to independence of 1868, the "Grito de Lares", by the Creole elite was quickly suppressed by Spain but it is still celebrated in Puerto Rico and gave the nation both its flag and its national anthem. Puerto Rican leaders such as Ramon Power y Giralt pressed for greater autonomy throughout the 19th Century. The movement culminated in the Autonomous Charter of 1897 and the installation of an insular government under Luis Munoz Rivera just seven days before the landing of U.S. troops. Many critics argue that this charter gave Puerto Rico greater autonomy from Spain than it has enjoyed from the U.S. especially under the Foraker Act (1900) and the Jones Act (1917.) Throughout the 20th Century nationalist leaders such as Pedro Albizu Campos and independence leaders such as Ruben Berrios Martinez and Juan Mari Bras have received broad support in the intellectual and legal community of Puerto Rico. Originally an independista himself, the island's foremost leader, Luis Munoz Marin, led the successful evolution to the Associated Free State in 1952 and continued to seek greater autonomy within this compact throughout his life. The Popular Democratic Party which he founded remains one of the two dominant ones in Puerto Rico today under its current leader, Governor Rafael Hernandez Colon. Likewise, advocates of statehood such as Jose Celso Barbosa, and former Governors Luis Ferre and Carlos Romero Barcelo and Mayor of San Juan Hernan Padilla, have maintained that option through the New Progressive Party.

It is true, then, that political leaders and organizations want change. It is equally true that, despite the existence of well organized movements in support of carefully articulated positions over the course of two centuries, no popular consensus has emerged as to the fundamental nature of the desired change.

It is difficult to sustain the proposition that this lack of consensus can be laid at the feet of the U.S. Washington found the means both to protect its interests and to grant independence to the Philippines in 1946. Today it has been working successfully with representatives of the Trust Territories of the Pacific Islands to evolve systems of government which meet their particular needs. The U.S. did not seek to influence the outcome of either the 1951 referendum or the 1967 plebiscite in which the people of Puerto Rico overwhelmingly selected their present political status. More recently, Presidents Ford, Carter and Reagan have each expressed sympathy for statehood for Puerto Rico while declaring the commitment to accept the will of the people. Yet the pro statehood party lost the 1984 Gubernatorial election and barely won in 1980. Public opinion polls have consistently demonstrated the same divisions. It is not clear that the populace attaches the same degree of importance to the status issue as do their leaders.

This lack of consensus for change seems to reflect an understanding by the people of Puerto Rico about the complexity of their situation. Spain's crushing of the indigenous population and centuries of autocratic rule over the island, which was excessively dependent on the motherland, has left its legacy. So too has the pre-commonwealth period of U.S. rule. Today, however, one has only to look at the wave of migration back and forth from Puerto Rico to the mainland and of immigrants, legal and illegal, from the rest of the world to understand the wide attraction of U.S. citizenship. Individual liberty under the U.S. Constitution, federal expenditures, special tax exemptions, political stability and military security provide a strong pull for maintaining the status quo. And yet, as this paper has noted, the arrangement leaves much to be desired. The lack of a voting representative in Washington, excessive economic dependency and a constant concern that the special culture of Puerto Rico will be swallowed up by the mainland all argue for either a fuller citizenship through statehood or a shift toward either greater autonomy or independence. Whatever the choice, there is widespread agreement that the U.S. Government must play an active and generous role in the process. Having built up a complex set of relationships with the island we share the obligation with their leaders either to perfect them or to ease the transition to an alternative should a consensus for one emerge in Puerto Rico.

Luis Munoz Marin succeeded in transforming Puerto Rico in less than four decades from an impoverished backwater to a vibrant and dynamic example of a democratic free enterprise society in action largely by laying aside the issue of political status and concentrating on nation building. The challenge for today's leaders on the island and on the mainland lies in restoring that vigor to Puerto Rico. Greater self reliance for Puerto Rico has advantages for proponents of each of the three status options. Success in strengthening Puerto Rico's political voice in Washington and abroad, self sustaining economic prosperity and



the flourishing of the island's national culture not only can serve to demonstrate the advantages of free association with the U.S.] They can also remove the principal obstacles to statehood by reducing the economic disparity between Puerto Rico and the fifty states and emphasizing the cultural contribution it can make to the mainland. Paradoxically, these same features would also make independence a more viable option.

From the U.S. Government side, the current need is not to define the political status question more clearly as some have argued but rather to support Puerto Rican efforts towards greater self reliance. Federal transfer payments not only strain the federal budget, they sap the productive strength of the island. While earned payments such as social security and veterans benefits are entitlements which should not be denied, other transfers have come to play too large a role in Puerto Rican life and should be reduced as efforts at productive job creation are expanded. Far from being phased out, programs such as the tax exemptions under Section 936 should be used to their fullest in the development of the economy. [Washington should welcome the Puerto Rican initiative in utilizing the provisions of Section 936 to the benefit of the Caribbean Basin.] Just as Puerto Ricans played a key role in the success of the Alliance for Progress, so too the Federal Government needs to make use of their special perspective in our dealings with Latin America today. This calls for a creative dialogue between Washington and San Juan as Puerto Rico seeks to expand its international ties consistent with U.S. national interests. Finally, we need to recognize that earlier efforts to "Americanize" Puerto Rico have failed and that the mainland and the island are richer for it. Whatever its political status, Puerto Rico will remain a Spanish speaking island with an increasing awareness of its own history and evolving national character.

FOOTNOTES

1. For a more detailed summary of the issue of the United States and Puerto Rico at the United Nations see Raymond Carr, PUERTO RICO, A COLONIAL EXPERIMENT, (Random House, Inc., New York, 1984), pp. 339-368.
2. Press Release of the United States Mission to the United Nations, \*68(79), August 15, 1979.
3. Ruben Berrios Martinez, Testimony before the UN Committee of 24 (UN A/.AC 109/L1334, Add 1), pp. 2-4.
4. SAN JUAN STAR, July 14, 1967, p. 9.
5. Manuel Maldonado Denis, PUERTO RICO UNA INTERPRETACION HISTORICO-SOCIAL, Mexico City, Siglo Veintiuno editores sa. 1969), p. 74.
6. Colegio de Abogados de Puerto Rico, Testimony before the House Armed Services Committee, July 11, 1980.
7. Colegio de Abogados de Puerto Rico, Junta de Gobierno, Resolucion #33, August 20, 1984.
8. Carr, p. 313.
9. Arturo Morales Carrion, PUERTO RICO A POLITICAL AND CULTURAL HISTORY, (New York, W.W. Norton and Co., Inc., 1983), p. 258.
10. Ricardo Alegria, quoted by Bill Richards in "The Uncertain State of Puerto Rico," NATIONAL GEOGRAPHIC, April 1963, p. 523.
11. Morales Carrion, p. 6.
12. See, for example, QUE PASA, OFFICIAL VISITORS GUIDE TO PUERTO RICO, United States, February, 1985, pp. 15-24.
13. Frank H. Butler, "Puerto Rico: The Key to Our Front Door", A Case Study for the Twenty-Fourth Session of the Executive Seminar in National and International Affairs, 1981-82, pp. 3, 20.
14. Robert Pastor, "The Problem of Puerto Rico," THE NEW REPUBLIC, November 12, 1984, p. 40.
15. Rafael Hernandez Colon, Letter to the Secretary of the Treasury, March 12, 1985.

16. Rafael Hernandez Colon, Governor's Message to the Legislature, February 14, 1985.
17. Morales Carrion, pp. 201, 257.
18. Roberta Ann Johnson, PUERTO RICO COMMONWEALTH OR COLONLY? (New York, Praeger Publishers, 1980), p. 78.
19. Morales, p. 235.
20. Morales, p. 238.
21. Colegio de Abogados, Resolution #33.
22. Maldonado Denis, pp. 3,4.
23. Morales, pp. 281, 282.
24. Adalberto Lopez, PUERTO RICO AND THE PUERTO RICANS, STUDIES IN HISTORY AND SOCIETY, (Cambridge, Mass., Schenkman Publishing Co., 1974), pp. 9, 10.
25. Roberto Sanchez Vilella, "Puerto Rico and the United States, The Political Economy of Later-day Bootstrap," CARIBBEAN REVIEW, Winter 1984, p. 5.
26. Pastor, p. 40.
27. Sanchez, Vilella, p. 6.
28. Carr, p. 207.
29. ANALYSIS OF TREASURY PROPOSAL TO REPEAL SECTION 936, Covington & Burling, March 12, 1985.
30. Hernandez Colon, Message to the Legislature, Feb. 14, 1985.
31. Jose A. Ortiz-Dalio, "Puerto Rico's Position and Participation in the Caribbean Basin Initiative, Address to the International Law Institute, February 28, 1985.
32. Carr, p. 215.
33. Robert Pastor, "The United States and Puerto Rico: A Proposal," THE WASHINGTON QUARTERLY, Summer, 1984, p. 57.
34. Johnson, p. 151.

35. Morales, p. 313.
36. Lopez, p. 18.
37. Theodore Roosevelt, COLONIAL POLICIES OF THE UNITED STATES (New York, Doubleday and Co., 1937), reprinted in Lopez, pp. 164-172.
38. Julian H. Steward, et al, PUERTO RICO, A STUDY IN SOCIAL ANTHROPOLOGY, (University of Illinois Press, 1956), p. 491.
39. Dorothy Dulles Bourne and James R. Bourne, THIRTY YEARS OF CHANGE IN PUERTO RICO, (New York, Praeger Publishers, 1966) p. 25.
40. Melvin N. Tumin with Arnold S. Feldman, SOCIAL CLASS AND SOCIAL CHANGE IN PUERTO RICO, (Indianapolis, The Bobbs-Merrill Company, Inc., 1971), p. 456.
41. Maria Teresa Babin in Lopez, p. 320.

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