

The Case against Puerto Rican Statehood

by Alvin Z. Rubinstein

What does Puerto Rico mean to the United States? Strategically, this largest and most populous of a cluster of five Caribbean islands located between the Dominican Republic and the Virgin Islands commands the Mona Passage, a key shipping lane to the Panama Canal, and its capital, San Juan, includes the finest natural harbor in the area.¹ Economically, U.S. corporate giants such as General Electric, Johnson and Johnson, Abbott Laboratories, and numerous textile firms have benefited materially from investment credits and federal tax exemptions for locating factories there. That industrial investment, in turn, has brought to the island's nearly four million inhabitants one of the highest standards of living in the Caribbean, and indeed, all of Latin America. However, in August 1996, President Clinton and the Congress ended the special tax breaks, in part at the urging of Puerto Rican governor Pedro Rosselló, an advocate of statehood, who found that the issue of tax breaks had become "a political football in the vote on the island in 1993 on its status, a plebiscite narrowly won by the pro-commonwealth advocates."² Demographically, a high birth rate and the prospect of better economic opportunities have prompted the migration of almost three million Puerto Ricans to the mainland—primarily to New York, California, Florida, Texas, and Connecticut. As American citizens since 1917, Puerto Ricans have political and civic advantages not available to foreign immigrants. Nonetheless, they have been slower to assimilate into American society than any other Spanish-speaking immigrant group, and their ambivalence toward full "Americanization" sets Puerto Rico apart as a unique

¹ Central Intelligence Agency, *The World Factbook 1995* (Washington, D.C.: Central Intelligence Agency, 1995), pp. 345–46.

² Doreen A. Hemlock, "Puerto Rico Loses Its Edge," *New York Times*, Sept. 21, 1996.

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domestic and foreign policy problem. The resolution—or elimination—of that problem could have enormous implications for the future of the United States.

Before turning to an assessment of the United States' Puerto Rican problem, the failed efforts that have been made to resolve it, and the dilemmas facing American leaders, three disparate items bearing on Puerto Rico's situation should be mentioned. The first is the interface between pardoning convicted terrorists and playing local politics. On August 11, 1999, President Clinton offered clemency to sixteen Puerto Rican militants of the outlawed Armed Forces for National Liberation (Fuerzas Armadas Liberacion Nacional Puertorriqueña—FALN) imprisoned for more than a hundred bombings in the 1970s and early 1980s. Three months later, a report issued by House Republicans (a partisan group, to be sure) stated that on March 6, 1999, Jeffrey L. Farrow, co-chairman of the White House interagency group on Puerto Rico, had circulated an e-mail urging clemency as a way of providing political support for some Democratic members of Congress, and, incidentally, for Vice President Al Gore.³ President Clinton, when pressed to explain the basis for his decision, declined to comment.

Secondly, there is the conflict between the needs of the U.S. military and the seemingly nationalist sentiments of the islanders. The catalyst for this controversy has been the tiny island of Vieques, lying six miles off Puerto Rico's east coast. Since World War II, about half of the island has been used by the U.S. Navy as a bombing range and training area for landing exercises. The approximately 9,300 residents of Vieques have long complained about the noise, environmental destruction, and health hazards, but when a Puerto Rican civilian guard was accidentally killed during a bombing exercise in April 1999, the ensuing outcry caught the White House and Pentagon by surprise. After nine months of deadlocked negotiations, the White House offered a compromise to Governor Rosselló, who had insisted that he would “negotiate only with the president and his senior aides . . . not with the Navy.”⁴ Under the terms of the agreement, the residents of Vieques were to decide in a referendum (scheduled for November 6, 2001) whether to permit the navy continued use of the island as a bombing and combat training area or to request its withdrawal by 2003. In the meantime, the navy was allowed to resume limited training with inert ammunition. In addition, President Clinton offered \$40 million in aid to encourage job creation and development, with an additional \$50 million in aid contingent on a referendum favorable to the navy.⁵ In a gesture of goodwill, the navy turned over 110

³ Neil A. Lewis, “Report by House Republicans Says Clemency for Puerto Ricans Was Campaign Move,” *New York Times*, Nov. 9, 1999.

⁴ Elizabeth Becker, “No Accord on Island Bombing As Administration and Puerto Rico Point Fingers,” *New York Times*, Dec. 11, 1999.

⁵ Elizabeth Becker, “Puerto Rico Allows Navy to Resume Some Use of Base,” *New York Times*, Feb. 1, 2000.

acres of land to local control for extending the airport on Vieques, hoping thereby to reduce the level of opposition.⁶

Some senators and military officials warn that if the navy loses access to Vieques, it might no longer need the major military installation on the main island. Thousands of Puerto Ricans could lose their jobs. During congressional hearings held in September 1999, top military officials emphasized the unique training environment provided by Vieques. Vice Admiral William J. Fallon, commander of the U.S. Second Fleet, noted:

There is air-to-ground weapons delivery in a tactically realistic environment at altitudes that are required to survive in combat today. . . . The second thing is the requirement to do surface fire support. That is to fire the 5-inch guns from our destroyers and cruisers, guns that are designed and then placed on those ships to support Marines and soldiers ashore. That is the only purpose really to which those guns are used today. And that training is only available on the East Coast of the United States at Vieques. The third thing and probably the most important is the opportunity to put together the entire battlegroup, the entire supporting arms coordination effort to bring to bear the combined arms effect of all of these systems at the same time in an environment in which people have to survive. That is not possible at other locations.⁷

Whatever the continuing military importance of Vieques, the issue is likely to be determined by political considerations. Under the Clinton administration, the general attitude seemed to be that Vieques was not worth the political fallout, and that the challenge was to find a happy medium between the disaster of the Philippine base negotiations and the territorial redress being pressed by the Okinawans. President George W. Bush has not yet taken a position on the issue. However, the new governor of Puerto Rico, Sila M. Calderon of the pro-commonwealth Popular Democratic Party (PDP), strongly supports an end to the navy's use of the island for fleet exercises and cites preliminary medical findings that link intense bombing and gunfire over the years to the high incidence of heart problems among the island's residents.

The final item on the immediate agenda is the U.S. census for the year 2000. In a mind-boggling, bureaucratic, and politically driven effort at "politically correct" inclusiveness, the Bureau of the Census produced a questionnaire that any racist could claim with pride. The questionnaire identified sixty-three racial categories and offered choices that had no objective biological or scientific validity and were as inherently divisive as they were offensive. On top of this, all citizens were asked to indicate whether they were Hispanic or non-Hispanic. This linguistic-cultural grouping was singled

⁶ "Solution on Vieques Takes a Step Forward," *New York Times*, Feb. 29, 2000.

⁷ Hearings before the House Military Readiness Subcommittee on Armed Forces, 106th Cong., 1st sess., Sept. 22, 1999, p. 43.

out for reasons stemming from a combination of affirmative action policies, vested interests, and electoral politics. In fact, the term *Hispanic* has become an instrument of political combat, a means of conflating or obliterating distinctive ethnic groups (Mexicans, Cubans, Brazilians, and so on) to promote a political agenda. The convergence of such items puts the spotlight on the United States' Puerto Rican dilemma.

The Problem—and the Danger

Puerto Ricans have bluntly challenged mainland Americans to decide on the nature of the multiculturalism they purport to embrace, and the island's current status needs to be considered in the broader context of the problem now afflicting multilingual societies elsewhere. Based on the positions taken by its leaders and inhabitants, the admission of Puerto Rico as a state would require that Spanish be granted the same status as English throughout the United States. As far back as 1991, Puerto Rico's legislature overwhelmingly approved a bill that made Spanish the island's single official language, thereby revoking the Official Languages Act of 1902, which designated both English and Spanish as the languages of government. Upon passage of the 1991 law, Governor Rafael Hernández Colón acknowledged that making Spanish the official language constituted a serious impediment to statehood—which was fine with him, since he opposed statehood and advocated continuing Puerto Rico's commonwealth relationship with the United States.⁸

The danger is clear: the admission of Puerto Rico as a state would make Spanish coequal with English as the language of the United States and give rise to political tensions that could threaten the stability of the federal union. A United States whose constituent states no longer shared a common language could not absorb and integrate—that is, Americanize—new waves of diverse immigrants as it has done successfully in the past. An already multiracial, multiethnic, multireligious, and multicultural society would struggle to remain democratic, open, and cohesive if it were divided by language, the most insurmountable of all barriers to human community.

Ethnicity has always been a catalyst for conflict. Historically, ethnic coexistence flourished in times and places where a vigorous imperial state had the strength to restrain the divisive impulses of its subjects, such as the early Arab, Ottoman Turkish, Austro-Hungarian, and Russian/Soviet empires. Race, religion, culture, and language can all be sources of ethnic distinction, and expressions of separatism and conflict often reflect the aggravating presence of more than one factor, as in the various republics of the former

⁸ Manny Suarez, "RHC: As Bilingual Nation U.S. Mirrors Puerto Rico," *San Juan Star*, Sept. 13, 1992.

Yugoslavia. But language may be the most significant solvent of ethnic harmony, as has been demonstrated by the Sinhalese-Tamil conflict in Sri Lanka, the Kurdish strife that besets Turkey, Iraq, and Iran, and the opting for independence of the fourteen non-Russian republics of the former Soviet Union.

In the age of empires, ruling elites relied on power to maintain control and institutionalize legitimacy, but they also imposed their language on governmental activities and the economy. For subject peoples, and especially minorities, the key to mobility was mastery of the language of the rulers. By coopting members from different ethnic groups who embraced the language of the empire, those in power fostered coexistence and allowed minorities to prosper, thereby ensuring stability. A common language is the cement of ethnic coexistence, as the postcolonial histories of India, Pakistan, Nigeria, and Kenya demonstrate. In those multiethnic nation-states, English still serves as the official language, fostering domestic cohesion and serving as a bridge across a linguistic chasm that might otherwise divide polyglot populations.

The United States has been extraordinarily successful in absorbing successive groups of ethnolinguistically diverse people. All immigrants eventually assimilated, notwithstanding the persistence of racial problems. But until now, no group ever challenged the implicit social contract, namely, the understanding that with Americanization came an obligation to learn and use English, and to see that one's children did, too.

To his credit, Governor Hernández Colón addressed the language issue openly and honestly, in studied contrast to certain members of the U.S. Congress and leading politicians in both the Democratic and Republican Parties. In 1990, he wrote:

Another set of problems with statehood [is] cultural and linguistic. Puerto Rico's language is Spanish; 60 percent of all the people do not speak English at all. If Puerto Rico became a state, bilingualism would, in effect, become official U.S. policy. Culturally, making Puerto Rico a state is the same as making Costa Rica, Honduras, or the Dominican Republic [a state]. Puerto Ricans, including those advocating statehood, consider themselves a people with a strong national identity. A recent poll showed that 91 percent of the people think of themselves as Puerto Ricans first and Americans second.⁹

Let it be clear that this essay is not about the migration into the United States of "Hispanics"—itself a term coined in the late 1960s and early 1970s by those seeking to help various Spanish-speaking groups to obtain a fairer proportion of government subventions and preferences. Before that, in discussions of immigration, one referred to Mexicans, Cubans, Dominicans, Nicaraguans, and Puerto Ricans. Each was separate and distinctive. With

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⁹ Rafael Hernández Colón, "Statehood for Puerto Rico," *New York Times*, Feb. 26, 1990.

entitlements, “assimilation gave way to affirmative action,” and nowhere more prominently in the “Hispanic community” than among the Puerto Ricans.¹⁰

Puerto Rico is a special problem because its quasi-colonial relationship with the United States heightens political volatility. Puerto Ricans are already U.S. citizens, but their political status as a *community* is anomalous, if not anachronistic. In a world where political trends lean toward ethnic self-determination and independence, Puerto Ricans seem uninterested in that prospect, and the Independence Party of Puerto Rico typically receives no more than 5 or 6 percent of the vote in elections on the island.

Historical Dimensions

After almost four centuries under Spanish rule, Puerto Rico became an American possession in 1898, when Spain, defeated in the Spanish-American War, was forced to relinquish the last of its footholds in the Americas. Though generally committed to the democratic development of the island, Congress had no clear idea at the time what it wanted to do with the roughly one million people who lived there. From the very beginning, it “carefully avoided designating Puerto Rico a territory, for in the past territorial status had been a prelude to statehood, a destiny that seemed inappropriate for the island.”¹¹

With the coming of the Great Depression in the 1930s, two contradictory developments complicated the political attitudes of Puerto Rico’s elites. On the one hand, federal aid and welfare programs became crucial to the island’s economy and deepened its dependency on the United States. On the other hand, a growing nationalism moved the populace to militate for greater autonomy, albeit with safeguards that would cushion the economy. However, from the 1940s on, under the leadership of Luis Muñoz Marín, the then-dominant PDP pushed an extensive program of industrialization and social development that resulted in a dramatic improvement in the standard of living (aided, to be sure, by the emigration of a million Puerto Ricans to the mainland). In 1952, Congress sanctioned a major step toward full self-rule by recognizing a constitution adopted by Puerto Rico’s legislature that proclaimed the island a commonwealth operating under a popularly elected governor and legislature. But that did not silence the calls alternately for Puerto Rican statehood and independence. Still, in the last plebiscite sanctioned by Congress and recognized as binding on the United States, which was held July 23, 1967, 60 percent of the population voted in favor of

¹⁰ Linda Chavez, *Out of the Barrio: Towards a New Politics of Hispanic Assimilation* (New York: Basic Books, 1991), pp. 5, 117, 155–57.

¹¹ Henry Wells, *The Modernization of Puerto Rico* (Cambridge, Mass.: Harvard University Press, 1969), p. 84.

retaining commonwealth status, 39 percent voted for statehood, and *independentistas* (who boycotted the ballot) received less than 1 percent.

Referendum Redux

For more than two decades, Puerto Rico's status was considered settled by the 1967 referendum. But in early 1989, Governor Hernández Colón revived the issue in an effort to enhance his political power. The social-democratic welfare state that had assured the PDP's dominance for most of the previous half-century was running out of money. The pressure on the island's budget was growing despite heavy federal subsidies, tax breaks for corporations and individuals, and privileged access to the mainland markets. Newly reelected by a narrow margin, the PDP, which had originally proposed and long championed the commonwealth arrangement, unexpectedly called for a new "self-executing" referendum, reopening all the options. Hernández Colón believed that his party would benefit merely by virtue of having initiated the process that produced the outcome. For their part, the other two Puerto Rican political parties—the pro-statehood New Progressive Party (NPP) of Carlos Romero Barceló, and the Independence Party of Rubén Berríos Martínez—quickly backed the PDP's proposal, seeing an opportunity to push their respective agendas.

In the U.S. Congress, some politicians hopped on the referendum bandwagon. In April 1989, Senators J. Bennett Johnston (D-La.) and James A. McClure (R-Idaho) proposed Senate Bill 712, which accepted a Puerto Rican referendum that would be binding on the U.S. government. An uncritical House of Representatives went along, passing its own bill authorizing such a binding referendum. Although in principle both the Democratic and Republican Parties strongly supported a referendum allowing Puerto Rico to reconsider its relationship to the United States, the Senate bill never left the Committee on Energy and Natural Resources during the 101st Congress (1989–90). According to Senator Johnston, there had not been sufficient time to reconcile the differences between the Senate and House versions (among other particulars, the former insisted that whatever choice the Puerto Ricans eventually made must not cost the federal government any additional money, and the latter permitted Puerto Ricans residing in the United States to vote in the island's referendum).

In Puerto Rico, proponents of both continued commonwealth status and statehood acknowledged that jobs and the economy, not "national or cultural integrity," were foremost in the voters' minds. But Romero Barceló's NPP contended that only statehood could end the "continued economic drain" of the commonwealth arrangement, which was harmful to the disad-

vantaged of Puerto Rico, “the poor, the hungry, the blind, the unemployed.”¹² He argued that the status quo benefited the well-to-do, not the working class.

The referendum, held on December 8, 1991, was a stunning defeat for Hernández Colón. The six-part proposal was both complex and vague, calling for guarantees that—regardless of any choice it might make in the future—Puerto Rico would retain its language, culture, and identity, including the right to field its own sports teams in international competition. According to a Puerto Rican journalist, the vote against enhanced commonwealth status was the result of “fear of losing federal assistance and opposition to the Hernández Colón administration.”¹³ Rejection of the initiative propelled the NPP into the limelight. Pedro Rosselló, who had succeeded Romero Barceló as party chairman earlier in the year, echoed his predecessor’s sentiment that despite their growing concerns with economic and social problems, the people of Puerto Rico were coming to believe that statehood was the proper course and the only way to assure an increased flow of U.S. government subsidies and social protection. He determined to galvanize public support for that course.

In November 1992, Rosselló swept into office on a wave of enthusiasm and expectation akin to Clinton’s own electoral triumph. Attractive, energetic, and ambitious, the new governor quickly called for another referendum on the island’s status. During his first year in office, he waged an intense campaign to convince Puerto Ricans that unless the commonwealth became a state it would forever be dependent on the whims of Congress; that the commonwealth model was largely imposed by Washington; that Puerto Ricans should have a voice in any decision to send its people to war; and that Puerto Rican pride required a changed relationship with the United States. Confident that the statehood option could attract a majority of voters, he saturated the airwaves and television stations with endorsements from three former Republican presidents: Gerald R. Ford, Ronald Reagan, and George Bush. The pro-commonwealth PDP countered with comments from two “English-only” advocates, Representatives Gerald B. H. Solomon (R-N.Y.) and Toby Roth (R-Wis.), who warned that “the path to statehood will not be easy,” that “statehood means one language, one flag and one national anthem,” and that statehood would entail the obligation to pay federal taxes.¹⁴

On November 14, 1993, in a plebiscite that brought out almost 74 percent of eligible voters, the commonwealth option narrowly won out with 48.4 percent, compared to 46.2 percent for statehood and 4.4 percent for independence.¹⁵ Yet Puerto Rico’s status was still far from acceptable to pro-statehood partisans in the U.S. Congress. Within days, Representative

¹² Christopher Caldwell, “Drive for Statehood Gains Momentum,” *Insight*, Feb. 5, 1990, p. 20.

¹³ Lelba Ferrer, *San Juan Star*, Dec. 10, 1991.

¹⁴ Larry Rohter, “3 Ex-Presidents Join the Debate on Puerto Rico,” *New York Times*, Nov. 13, 1993.

¹⁵ Larry Rohter, “Choosing Status Quo,” *New York Times*, Nov. 16, 1993.

Don Young (R-Alaska) “submitted a bill to incorporate Puerto Rico into the United States,” an option that no one had voted for.¹⁶ In November 1994, Young introduced a bill to have a binding referendum held by 1998, in time for commemoration of the hundredth anniversary of the U.S.–Puerto Rico relationship. After House Speaker Newt Gingrich signed on as a cosponsor of the bill and the Clinton administration indicated that it was favorably disposed, statehood advocates expected rapid progress. However, the Senate balked, and a snarl of politics and special interests exposed its reluctance to reach a decisive outcome. On March 4, 1998, the final version of the bill passed the House “by a razor-thin 209 to 208 margin,” but the Senate “shelved any action.”¹⁷

When the Senate would not go along with a federally sponsored, binding referendum on Puerto Rico, Governor Rosselló called for another vote to gauge support for statehood. However, the resulting referendum, held in December 1998, created more confusion than clarity. It offered Puerto Ricans five options, including commonwealth, free association (a hybrid form of independence that would delegate certain powers by treaty to the United States), statehood, and independence. But it was the fifth option—“none of the above”—that received 50.2 percent of the vote, compared to 46.5 percent for statehood.¹⁸ Once again frustrated by a divided electorate holding on to the essential status quo, Rosselló lost the November 2000 election to the PDP’s Sila Calderon.

The Rhetoric and Reality of Self-Determination

Nothing in life is as certain as the annual introduction in the United Nations Committee on Decolonization of a resolution urging self-determination and independence for Puerto Rico—unless it is mainland newspapers’ laments for Puerto Rico’s “colonial” plight.¹⁹ Inflammatory, headline-seeking, and invariably inaccurate rhetoric lambastes the United States for exploiting Puerto Rico. During the recent flare-up in Puerto Rico against the navy’s use of Vieques, the *New York Times* reported the Reverend Jesse Jackson’s speech at a church in Puerto Rico in which he displayed his solidarity with the activists and sought to capitalize on the burst of Puerto Rican nationalism engendered by Clinton’s pardoning of the FALN terrorists. According to Jackson:

¹⁶ Juan M. Garcia Passalacqua, “The Puerto Rico Question Revisited,” *Current History*, Feb. 1998, p. 82.

¹⁷ Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Viking, 2000), p. 262.

¹⁸ Mireya Navarre, “With a Vote for ‘None of the Above’ Puerto Ricans Endorse Island’s Status Quo,” *New York Times*, Dec. 14, 1998.

¹⁹ Tom Wicker, “An American Colony?” *New York Times*, Aug. 14, 1981; Francis Negron-Muntaner, “Let Puerto Rico Decide,” *Philadelphia Inquirer*, Oct. 7, 1990; “America’s Captive Nation,” editorial, *New York Times*, Feb. 22, 1991.

If the United States fought for Kosovo's right to self-determination, if it believes in East Timor's right to self-determination, why do the people of Puerto Rico not deserve the same chance? It is a sin for one individual to own another—it is called slavery. It's a sin for one nation to own another—it's called colonialism.²⁰

The reverend was in error when he said that NATO attacked Serbia to ensure “Kosovo's right to self-determination.” Neither in announcing the commencement of air strikes on March 24, 1999, “to protect thousands of innocent people in Kosovo,” nor in announcing the halt of hostilities on June 10 did President Clinton refer to self-determination as his goal for Kosovo. East Timor's case was different: in a U.N.-supervised vote, the population had overwhelmingly declared its desire for independence. Only when Indonesian forces tried to prevent the East Timorese from implementing what they had been granted did the United Nations create a multinational rescue operation, of which the United States was a part. Neither of these situations bears any resemblance to Puerto Rico's.

Cloaking themselves in the provisions of the United Nations Charter and international law, partisans of “self-determination” for Puerto Rico demonstrate little understanding of the term. An issue of momentous historical significance for the United States as a whole is being approached without regard for its history. In February 1991, for example, U.S. attorney general Dick Thornburgh testified before the Senate Energy and Natural Resources Committee on the constitutionality of “enhanced commonwealth status” as an option for Puerto Rico and seemed oblivious to what Congress and the Supreme Court had held as consistent U.S. policy over the decades. One is left to conclude that in his eagerness to promote the first Bush administration's pro-statehood position, he was prepared to disregard established interpretations of the nation's laws and legal precedents, as indeed was President Bush himself. Long a partisan of statehood for Puerto Rico for reasons he never explained or discussed, Bush issued a memorandum shortly before leaving office that rescinded “a 31-year-old directive by John F. Kennedy that placed the federal government squarely behind the island's ‘unique position’ as a self-governing American commonwealth.” In the Bush memo, Puerto Rico is described as “a self-governing territory” that federal agencies should treat “as if it were a state.”²¹ Though adding the caveat that no additional costs were to be incurred by ongoing federal programs, Bush's intent was clearly to help statehood advocates surmount congressional barriers and undermine the case for commonwealth.

It is clear from the historical record that at no time in the past eighty-three years did Congress ever intend Puerto Rico to be a state. In the Organic Act of 1917, which granted U.S. citizenship to Puerto Ricans, Congress deliberately did *not* accord the island territorial status and thus avoided

²⁰ Amy Waldman, “Service Explores Issues That Affect Puerto Rico,” *New York Times*, Sept. 13, 1999.

²¹ Bill McAllister, “Criticism for Bush on Puerto Rico,” *Philadelphia Inquirer*, Dec. 6, 1992.

giving the impression that it was sanctioning or even contemplating eventual statehood. In 1922, the Supreme Court ruled that the granting of citizenship was not tantamount to the incorporation of Puerto Rico as a territory.²² Congress accepted the commonwealth formula championed in 1952 by Muñoz Marín as a new type of relationship between Puerto Rico and the United States, but did not envisage it as a possible way-station to statehood. In 1967, Congress went along with the plebiscite only because it was convinced (based on the commanding position of Muñoz Marín's PDP) that statehood advocates were unlikely to carry the vote. Furthermore, if they *had* prevailed, Congress would assuredly have found a way to forestall action, since it had no intention to grant statehood. But a new generation of politicians has mounted the national and local stage with less of a sense of historical memory, an aversion to public debate on fundamental policy questions, a morbid preoccupation with polls, and a seeming inability or unwillingness to differentiate between "Hispanics" and Puerto Ricans.

Puerto Rico's right of self-determination is not the issue and never has been. Ever since Woodrow Wilson popularized the term as an international principle, there has been widespread recognition that "every demand for self-determination involves some countervailing claim," that conflicts and tensions are inherent between claimants for self-determination and claimants for maintaining the territorial integrity of a country.²³ From the growing body of international law and commentary, it is clear that self-determination relates to the right of a subjugated or oppressed people to independence. It is an assertion of freedom *from* foreign control, not freedom to insist on attaching one's nation *to* another. It does not mean, and has never been interpreted to mean, that a people or a nation (as some describe Puerto Rico) has any inherent right to oblige another nation to absorb it. Although statehood was indeed among the options listed in the 1967 referendum, on that occasion Congress fully expected Puerto Ricans to opt for commonwealth status. But since the early 1990s, through promotion of referenda and incessant lobbying of Congress, partisans of statehood have demonstrated a readiness to keep tensions high until their goal is achieved.

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The Politics of Language

The U.S. Congress has shied away from what it should have done in 1967, namely, limit the Puerto Rican choices to enhanced commonwealth status or independence. Statehood should not have been, and should never become, an option.

²² *Balzac v. Porto Rico*, 258 U.S. 298.

²³ Michla Pomerance, *Self-Determination in Law and Practice* (The Hague: Martinus Nijhoff, 1982), pp. 2, 12–13.

Accepting Puerto Rico as a state would open a Pandora's box of linguistic, political, ethnic, racial, and religious tensions greater than any this nation has ever experienced. It is precisely the potentially disruptive and destabilizing issue of language on which mainland political leaders are disturbingly silent, revealing their unwillingness to debate (or perhaps even consider) the profound consequences of the question. American society is distinctive. The polyglot immigrant population of the United States has access to unparalleled mobility and opportunity—rooted in the learning of English. A common language is the cohesive force that makes possible a democratic and stable social order. It creates a congenial environment for civic discourse, pursuit of common goals, and shared cultural experience. It facilitates communication across ethnolinguistic, racial, and religious divides, thereby building the foundation of a common political culture. It does *not*, however, prevent minority ethnic groups from celebrating their distinct cultures and languages and passing them on to their children.

Where a single language is a unifying force, two “national” languages can only be divisive. This is especially true in an era of resurgent ethnic nationalism, notwithstanding globalization driven by technology and economics. The success of Switzerland or Belgium in this regard does not contravene the above proposition. Their small sizes and discrete linguistic communities of relatively equal numbers encourage confederal arrangements based on loose political ties, and their proximity to powerful neighbors mandates cooperation lest they lose their independence. This cooperation, limited and primarily economic rather than educational or cultural, seeks above all to preserve the integrity of their separate linguistic communities. The situation in the United States requires not the institutionalization of separateness, but a process that aims at integration and assimilation.

Americanization has worked remarkably well since the 1840s, when the arrival of significant numbers of German speakers marked the beginning of the great non-English-speaking immigrations of the late nineteenth and twentieth centuries. To be sure, starting over in a foreign land has never been easy, but most newcomers have been eager to Americanize, not least the Cubans, Mexicans, and other Spanish speakers. The widespread resistance of Puerto Ricans to learning English, and the fact that they, alone among American minorities, are not *leaving* their “old country,” but seek to absorb it into the United States, stand in sharp contrast to the historical pattern. What is more, admission of Puerto Rico as a state while permitting it to retain Spanish as its official language would only encourage other “Hispanic” Americans to resist assimilation.

As is so often the case, Congress has been part of the problem, not the solution. The Civil Rights Act of 1964, which set out to abolish discrimination “on the basis of race, color, or national origin,” was well intentioned, but clumsily implemented. Applied to schools where minority children were held to be disadvantaged, it led to passage of the Bilingual Education Act in 1968,

which was interpreted as requiring bilingual programs—mostly for Hispanic students, but also for Eskimos, Asian immigrants, and American Indians—in any school, program, or activity receiving federal assistance. Congressional amendments to the Bilingual Education Act have compounded the problem by mandating that bilingual programs not only teach in the language of minority students, but enhance ethnic pride as well. Considering the dearth of trained linguists, however, that approach may impede the acquisition of English, thus entrenching ethnolinguistic exclusivity and forestalling the assimilation that was the program's original purpose. In effect, bilingual programs have done less to teach English than to perpetuate alienation among successive generations of Hispanics, primarily those from Puerto Rico and Central America. It is worth noting that not all Hispanics have resisted assimilation. Cuban immigrants, for example, acculturated relatively quickly, perhaps because they fled tyranny and came seeking political as well as economic opportunity and were therefore more receptive to Americanization as the means to become full participants in the political culture. Puerto Ricans, by contrast, came to the mainland mainly for economic reasons, and they retain the option to return to the island. Proximity and easy access facilitate the continuation of old cultural ties.

Clearly, bilingual education is by no means the only reason that some Hispanics (again, particularly Puerto Ricans) do not feel vitally compelled to learn English or ensure that their children do. Abetting their resistance is a powerful political lobby. Politicians courting the Hispanic vote; reformers who single them out for special attention, partly out of guilt over U.S. support of authoritarian regimes in Central America; Roman Catholic priests who offer asylum for illegal immigrants and defend co-religionists; and members of Congress who reflexively support any federal welfare program—all of these encourage Hispanics to cling to their old identities rather than assimilate, despite evidence suggesting that the result is often more harmful than beneficial. To the extent a distinct language serves as a source of cultural or national pride for a given group, it should be treasured. But that does *not* mean that it should be promoted at the expense of a greater good. Statehood for Puerto Rico that would permit Spanish as its official language would signal to most Hispanic immigrants a diminished necessity to learn English. It would establish the United States as a dual culture, dividing the country into English speakers and Spanish speakers. Puerto Rico's 1991 legislation making Spanish the sole language of the island was largely symbolic (since less than 20 percent of Puerto Rico's population is bilingual), but it affirmed the position that Spanish is to have equal status with English should statehood be granted.

Observations

Puerto Rico's status will doubtless remain unresolved for the foreseeable future. In a thoughtful review of a book on Puerto Rico several years ago,

Thomas Carothers, of the Carnegie Endowment for International Peace, regretted “the unpleasant suspicion” that nothing short of catastrophe was likely to rouse the U.S. government to terminate the island’s status as a special kind of “colony.”²⁴ The key to this dilemma is in the hands of the Congress, which could, for example, sever the relationship and unilaterally declare Puerto Rico independent. It has no intention of acting in such an arbitrary fashion, of course, but the point is that it has the power to set the basic conditions for Puerto Rico’s future relationship with the United States—and it should do so. The game plan should be determined in Washington, not San Juan. For reasons discussed earlier, statehood should not be an option.

Congress should hold comprehensive hearings and thoroughly consider the alternatives in a way that enables the mainland public to understand the issues and their implications for the national interest. Not since the congressional debates in January 1991 culminating in the narrow approval of the use of force against Saddam Hussein has there been a serious debate in Congress on an issue of significance for foreign as well as domestic policy.

Next, once Congress agrees on the choices to be offered to Puerto Rico, it should arrange for a referendum there, the results of which would be binding for a twenty-five-year period. The issue should not be used as a political football for special interest groups on the mainland, nor should the American political process be manipulated by capricious politicians who call for referenda to advance their own political fortunes, as Governor Rosselló did in 1998. After twenty-five years, if a future generation of islanders wants to reconsider its relationship with the United States, then it should petition Congress for a new referendum—subject to the above process.

Thirdly, all Puerto Ricans are automatically entitled to American citizenship as long as Puerto Rico retains a commonwealth relationship with the United States. One possible variant is the “associated republic” (*república asociada*), an arrangement adopted in 1986 by the Pacific Trust Territories of the United States and urged by a small group of influential Puerto Ricans as a way out of the present quagmire.²⁵ However, the island’s future should be determined only by those living there. Like all U.S. citizens, those Puerto Ricans who live on the mainland should only be able to vote in the state in which they reside, where they pay federal income taxes, are eligible for federal benefits, and can run for political office. Those who live in Puerto Rico do not pay federal income tax, but neither can they vote in presidential elections, as the U.S. Court of Appeals recently ruled.²⁶ Puerto Ricans cannot

²⁴ See Thomas Carothers’s review of José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven, Conn.: Yale University Press, 1997), in *New York Times Book Review*, Nov. 2, 1997.

²⁵ Gonzalez, *Harvest of Empire*, pp. 266–67.

²⁶ “Ruling on Puerto Rico Voting Is Overturned,” *New York Times*, Oct. 14, 2000. In reversing the lower court ruling, the U.S. Court of Appeals for the First Circuit, in Boston, ruled that “residents of Puerto Rico could not vote in presidential elections unless the island territory became a state or the Constitution was amended.”

be permitted a unique and privileged status as residents of two American jurisdictions simultaneously.

Fourthly, public pressure must be applied constantly to politicians, analysts, and journalists who currently are averse to discussing the specifics of Puerto Rico's situation. Senators must not be allowed to respond to specific, thoughtful inquiries about their position on the issue of statehood for Puerto Rico with form letters from a junior staffer that read: "I appreciate your taking the time to bring your views on this important matter to my attention. As a United States Senator, it is essential that I be kept fully informed. . . . Be assured that I will keep your thoughts on this matter in mind. . . ." ²⁷ On the contrary, senators must clearly pronounce whether, and why, they support enhanced commonwealth status, independence, or statehood for Puerto Rico.

Finally, the future of Puerto Rico must be debated in the context of the changing geopolitics of the whole Caribbean–Central American region. Fidel Castro's normalization of relations with the democracies of Western Europe is just one sign of the transition to a regional order no longer dominated by the Cold War. But President Clinton's decision to send former president Jimmy Carter, rather than a high-ranking official of his own administration, to represent the United States at the historic retrocession of the Panama Canal Zone on December 14, 1999, brought another sign of that transition into focus: Central America and the Caribbean are receding to a peripheral role in U.S. foreign policy.

Indeed, President Clinton's efforts to forge a new and cooperative relationship with Latin America ultimately amounted to very little. To be sure, he won congressional approval in 1993 for the North American Free Trade Agreement, but the treaty itself was a Reagan-Bush initiative, and Clinton was unable to extend it to other countries to the south. Likewise, despite six years of direct U.S. involvement, "democratization" in Haiti has not brought development or a stable political order. Moreover, drug trafficking based in Colombia and illegal immigration from the south remain perennial problems for the United States. Lastly, the maintenance and even stiffening of sanctions against Cuba have weakened U.S. prestige abroad without toppling Castro, all but inviting Germans, French, Japanese, and others to stake out major commercial and economic positions in Cuba that would otherwise have been occupied by U.S. firms. In sum, all the knotty regional problems Clinton faced when he took office now confront George W. Bush.

The new Bush administration should expect growing nationalism in Latin America, and with it a strong element of anti-Americanism. The recent surge of democracy in Latin America shows signs of receding in Venezuela,

²⁷ Such letters were received by the author from Sen. Arlen Specter (R-Pa.), dated June 14, 1990, and Aug. 7, 1991. By contrast, the answer from Sen. Daniel Patrick Moynihan (D-N.Y.), dated Oct. 29, 1991, was thoughtful, focused, and included the text of a senate speech by Moynihan on the subject of Puerto Rico on Mar. 21, 1991.

Colombia, Ecuador, and elsewhere. In the race between globalization on the one hand, with its promise of growth, jobs, and prosperity, and the strongman on the other, with his promise of more jobs, welfare, and social stability, the winner is not at all certain. Any prediction can be confounded all too easily by the effects of uncontrolled population growth, the corrupting influence of criminal syndicates, the weakness of political institutions, the disturbing social consequences of a triumphalist cyber-capitalism, and the limits of good intentions.

A Bridge or a Wedge?

Václav Havel has asked, “Where does patriotism end and nationalism and chauvinism begin? Where does civic solidarity end and tribal passion begin? . . . [H]ow do we recognize when a politician ceases to reflect our natural sensitivities and feelings and begins to use and abuse them to his or her own advantage?”²⁸ We have seen, in the recent jury trial in Puerto Rico of five Cuban exiles accused of trying to assassinate Fidel Castro, defense attorneys who effectively exploited “every opportunity they could to compare the Cubans’ battle with Washington to those of nationalistic Puerto Ricans, including the current furor over a Navy bombing on the Puerto Rican island of Vieques.” The Cubans were acquitted.²⁹ And we have seen Panama refuse Washington’s demand that renewal of the stationing agreements for U.S. military forces there permit operations other than drug interdiction. As General Charles E. Wilhelm, the commander of all U.S. forces in Central and South America, acknowledged somberly, “For the most part, Latin Americans don’t want larger numbers of North Americans in their countries. They don’t want armored brigades. They don’t want fighter wings on their airfields, around their towns and villages.”³⁰

In the twentieth century, nationalism, not the libertarian assumptions pervading contemporary theories of modernization and integration, proved the dominant force for political change. Contrary to the expectations of leading social thinkers, human beings consistently demonstrate that they are motivated more by tribalism than by the market, more by a shared culture and history than by shared political institutions. Whatever the outcome of the Puerto Rican issue, it will have long-term foreign policy consequences for U.S. relations with Spanish-speaking countries of the Western Hemisphere. Puerto

²⁸ Václav Havel, “The First Laugh,” *New York Review of Books*, Dec. 16, 1999, p. 59.

²⁹ Tim Golden, “5 Cuban Exiles Charged with Plotting to Kill Castro Are Acquitted,” *New York Times*, Dec. 9, 1999.

³⁰ Steven Lee Myers, “U.S. Seeking New Bases to Offset Panama Loss,” *New York Times*, Dec. 2, 1998. In mid-January 2000, Venezuelan president Hugo Chávez spurned a U.S. offer of 450 Marines and navy engineers to help Venezuela recover from destructive flooding and mudslides, saying he did not want American troops on Venezuelan soil. Larry Rohter, “Venezuela: U.S. Aid Spurned,” *New York Times*, Jan. 15, 2000.

Rico might be a bridge to the Hispanic world, or it might be an ethnolinguistic, cultural wedge that could split asunder the multicultural but monolingual fabric of American politics and society.

The status of Puerto Rico should not be left to the vagaries of political special interest groups. It is time for a national debate on this issue. One century of ambiguity is enough.

