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U.S. Congress and the invisibility of coloniality: The case of Puerto Rico's political status revisited

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By establishing the dangerous limitations of post-colonial theory, this essay explores the invisibility of Puerto Rico's colonial status. Mainly, it argues that postcolonial theory has enabled U.S. Congress to keep Puerto Rico as a territory. Using selected quotes from the last three Congressional Hearings on the status of the island, this paper illustrates two basic patterns by which this is done: by employing rhetoric of a caring and compassionate democracy and by employing a "tied hands and loose mouths" approach. The paper concludes that in order to decolonize a territory like Puerto Rico, modifying a political status alone is not enough if other colonial aspects remain in place.

[Key words: Postcolonial Theory, Colony, Coloniality, Commonwealth, Congressional Hearings, Puerto Rico U.S. Constitution]
Now, the United States will retain sovereignty over Puerto Rico. The United States will continue to be supreme in Puerto Rico, and that is flat. There is just not any question about it.

STATEMENT MADE BY ABE FORTAS, UNITED STATES UNDER SECRETARY OF THE INTERIOR IN 1943

Understanding the democratic deficit
The prophetic words of then Under Secretary of the Interior Abe Fortas captured in the epigraph above are daunting, even today, for they mark the power differential between the United States of America and Puerto Rico; a power differential that to this day has indeed made the U.S. “supreme in Puerto Rico.” In fact, for over a century now, the United States has exercised its clear colonial power over Puerto Rico in varying degrees, leading legal scholar Pedro Malavet (2004) to call this era of U.S. dominion on the island “the second colony.” Framing the relationship between the first world power and Puerto Rico as both a political and a cultural conflict, Malavet (2004: 25) argues that because of the island’s colonial status Puerto Ricans are a cultural but not a legal reality. Thus, Malavet continues, Puerto Rico is both a “cultural nation” and an “American colony,” where the legal constructions of the colonial status suffer from “a fundamental democratic deficit in the manner in which [it] is ruled by the United States” (2004: 47). The fundamental “democratic deficit” identified by Malavet (2004) will be at the core of the main argument in this paper, which explores how such “deficit” is maintained and justified in the 21st century.

As Malavet (2004) and Román (1998) point out, even though Puerto Ricans were racialized as foreign, undesirable others since the very beginning of the U.S. occupation, the U.S. has nonetheless kept the island as a colony. It was clear from the beginning, that the U.S. was establishing for Puerto Rico a somewhat different path than the one it created for other territories, the majority of which have been either “set free” or incorporated into the union. Among the former are the Philippines, which were acquired at the same time Puerto Rico was seized in 1898. Among the latter, Hawaii presents the most recent example by becoming the 50th state of the union. Why, then, has the United States kept Puerto Rico as a colony? And why for so long? A short (yet accurate) answer to this question is that the United States “is still invested in its colony” (Malavet 2004: 27). A longer answer would be that...
In this presumed new order, political independence has been achieved, while economic dependency remains intact (what Moore-Gilbert refers to as neocolonialism). Though highly illuminating, this approach to contemporary global politics has lent itself to an indiscriminate sweeping of a multiplicity of political and economic relations under the catchy phrase “postcolonial.” As a result, disparities between the different political entities are sometimes suppressed in an effort to highlight similarities (see, e.g., the discussion of postcolonial literature in The Empire Writes Back by Ashcroft, Griffiths and Tiffin (1989) where they argue that the literature of Canada, New Zealand, U.S., Bangladesh, Pakistan, and Sri Lanka, among others, are all postcolonial literatures). The importance of the inclusive nature of postcolonial theory (and its sweeping tendencies) has to do with the resulting erasure of other colonial experiences, including that of the still existing colonial subject and the colonial object. The dismissal of these accounts is central to my discussion that contemporary colonies are covered by a cloak of invisibility that ultimately enables the metropolis to ignore or dismiss the predicament of the colony. That is to say, what can the metropolis do about something that, for all intents and purposes, does not exist anymore?

It is not surprising, then that Puerto Rico and the 3.8 million people on it have been among those dismissed by recent theoretical developments, and have continued to experience colonialism into the 21st century. It is not surprising, then that Puerto Rico and the 3.8 million people on it have been among those dismissed by recent theoretical developments, and have continued to experience colonialism into the 21st century. They remain invisible in academic discussions as well as in the international political realm. For instance, because of its colonial status, Puerto Rico is often not accounted for in reports prepared by international organizations, and because of its political status, Puerto Rico cannot petition for and accept help from international organizations. Thus, it is my contention that this general invisibility has made it easier for the government of the United States of America to keep Puerto Rico in its colonial configuration. In fact, it is so easy that the vast power exercised by the U.S. on the island, and the material consequences of the colonial status, are maintained through one tool alone (mainly the Territorial Clause in the U.S. Constitution).
official unemployment rate stood at 13 percent in 1999, almost double that of West Virginia, the state with the highest unemployment rate in the U.S. at 6.6 percent (U.S. Census Bureau 2000), we are speaking of precarious material conditions for Puerto Ricans on the Island.7

Even though Puerto Rico’s economic situation is key in understanding the effects of its colonial relationship with the U.S., it is the political connection with the U.S. (and the historical aspects of such connection) and not necessarily its economy that differentiates the Island from other countries. After all, Puerto Rico is not the only political entity suffering the upshot of U.S. economic and military intervention. On broad strokes, the Commonwealth status and the island’s Constitution were created in 1952 after the passing of Public Law 600 (also known as the “Puerto Rico Federal Relations Act”) in 1950. During the process of discussing the legislation that would allow for a different kind of government and a Constitution to Puerto Rico, Congressmen made sure to reiterate in several occasions that the Island would remain under U.S. jurisdiction. For instance, right before the passing of Public Law 600, a U.S. Congressman advocated giving “the people of Puerto Rico the authority to organize a constitutional government of their own choosing within certain well-defined boundaries and limitations specified by Congress” (Morris 1995: 48). It was clear from the beginning that a government like the Commonwealth could only mimic a democratic society. Other members of the U.S. Federal government at the time made sure to underline similar sentiments when the legislation that led to Public Law 600 was being considered. One example was then Secretary of the Interior Oscar Chapman, who wrote:

It is important at the outset to avoid any misunderstanding as to the nature and general scope of the proposed legislation. Let me say that enactment H.R. 7674 will in no way ... preclude a future determination by Congress of Puerto Rico’s ultimate political status....The bill under consideration would not change Puerto Rico’s political, social, and economic relationship to the United States (Trías-Monge 1997: 112).

Similarly, after passing a piece of legislation allowing Puerto Ricans to elect their own governor in 1947 (H.R. 3309), the the U.S. House of Representatives released a report stating the following:

The changes which would be made by the enactment of H.R. 3309 would not alter Puerto Rico’s political or fiscal relationship to the United States. Congress does not surrender any of its constitutional authority to legislate for Puerto Rico on to review insular laws. Neither would this legislation
implies that Puerto Ricans can only express their desires. Toward the end of his opening remarks, Sen. Murkowski, Chairman of the Committee and head of the proceeding,

Day one: We are always fully committed to talking about Puerto Rico.

Sen. L. Craig (ID), Sen. Graham (FL), Sen. Landrieu (LA), and Sen. Kyl (AZ). Also participated by either giving statements and/or asking questions to the witnesses, the members of the Committee on Energy and Natural Resources.

Barceló, the Puerto Rican Resident Commissioner in Washington; and Jeffrey Matta, Director of the Legislative Division of the National Puerto Rico Bar Association; and Diego Hernández, former Admiral of the Navy.

The second day of the Hearing was reserved for members of Congress (mainly, Rep. Luis Gutiérrez, Rep. José Serrano, Rep. Nydia M. Velázquez—all Puerto Ricans, Sen. Joseph Lieberman, and Sen. Al D’Amato); as well as Carlos Romero Barceló, the Puerto Rican Resident Commissioner in Washington; and Jeffrey Farrow, a representative of President William J. Clinton's Administration. In addition to the witnesses, the members of the Committee on Energy and Natural Resources also participated by either giving statements and/or asking questions to the witnesses. The members of the committee at the time were: Sen. Murkowski (AK), Sen. Craig (ID), Sen. Graham (FL), Sen. Landrieu (LA), and Sen. Kyl (AZ).

Looking at a transcript of the hearing can be highly illuminating, for it provides insight into two main aspects of U.S.-Puerto Rico relations: Congress inaction and the racialization of Puerto Ricans in Congress. The transcripts show a consensus between the Congressmen and Puerto Ricans participating in the proceedings that the future of Puerto Rico's status is in the hands of Congress alone. The implications of such consensus are breathtaking, if we consider that, in the end, Congressmen took no action in providing Puerto Ricans with alternatives. In fact, it becomes obvious that while some Congressmen felt uncertain about their own ideological position involving Puerto Rico, others were oblivious about their own implication in the Island's political status. Also, Congressmen seemed to resort to the racialization of Puerto Ricans as a way to justify inaction. The racialization of Puerto Ricans became clear when Senators questioned the very notion of a “Puerto Rican” and her/his relationship to the federal government, focusing on the ability of Puerto Ricans to speak English. The following discussion highlights and analyzes the main
The members of the panel invested in the Commonwealth took a different route altogether: they mostly criticized the Bills, claiming these were pro-statehood bills that actually misrepresented the status of the Commonwealth. In the words of Acevedo-Vilá: “H.R. 856 and S. 472, together known as the Young and Craig Bill, are statehood bills disguised under a statehood label” (9). According to him, “these bills clearly violate our right to vote for Commonwealth as it was established by law; and to advocate for its enhancement and full development... Frankly, the bills before you, as they stand right now, are unconstitutional, illegal, unfair, and undemocratic” (9). Pro-Commonwealth advocates also requested a more benign definition of the Commonwealth in any form of consultation. DeCastro-Font, for instance, was adamant about developing “a definition of Commonwealth” that proclaims “its non-territorial nature” (11).

Mayor Miranda-Marín reminded members of Congress that, when created, the Commonwealth was designed as a compact between the United States and Puerto Rico, and that “[t]he Estado Libre Asociado is [...] a unique autonomous and sovereign status of permanent association with the United States, and guaranteed American citizenship” (15). After all the members of Panel I delivered their statements, Sen. Murkowski decided to “remind” the pro-Commonwealth contingent that even though “Congress is rather unlikely to alter the current political status [in Puerto Rico] without a mutual consent” (that is, consent between Puerto Ricans and Congress), “the constitution does not limit the Congress for its powers to admit states, nor dispose of a territory” (16). Sen. Murkowski’s reminder was, indeed, very clear in signaling who was/is in control of the current and future status of Puerto Rico.

In an interesting turn of events, Fernando Martín García seemed to be pleased with the bills, for, he argued, they both stated very clearly “the colonial and territorial nature of Puerto Rico’s present status” (11). He finished his statement by urging the committee to “act promptly and decisively” on the matter (12). Later, during the question and answer period, Martin explicitly stated that the Pro-Independence Party in Puerto Rico was, in fact, “quite satisfied” with the definition of Independence espoused by the Bills (16).

In spite of the promising statements invoking action made by the Committee members at the beginning of the hearing, it became pretty evident that Congressmen were invested in constructing the category Puerto Rican as mutually exclusive from the category (White) American, by giving it a different racial meaning. The first instance occurred after Panel I finished their testimonies, when Senator Kyl (R-AZ) decided to ask them:

*We all have many things which characterize us, which are our identity. We are many things. I’m an Arizonan. I’m a Presbyterian. I’m a Republican.*
replied: “I’m a product of the local school system of Puerto Rico.” Still not fully satisfied with the answer, Senator Murkowski followed up with:

Well, while I appreciate the response, that doesn’t give me [any] reassurance [for] you might be a bit exceptional, as well, based on your career and opportunities. I’m simply saying, in your view of the Puerto Rican educational system, is there adequate opportunities, or should it be a mandate? (43).

A few of the panelists assured the Senator that in fact, as the educational system is structured in Puerto Rico right now, it is a mandate to teach English classes in public schools. They also assured him that Puerto Ricans are perfectly capable of learning English. José Rivera took a different route by arguing that when he visits Miami, Los Angeles, or Houston, he can get by speaking Spanish, alluding to other U.S. territories where Spanish is also spoken. After spending approximately 20 minutes on the issue of Puerto Ricans’ ability to speak English, Senator Murkowski concluded:

Well, I think it’s fair to say that as we understand the situation with the educational system in Puerto Rico, Spanish is the first language. English is mandatory, but if the youngster just takes English as a class and doesn’t have the opportunity to speak English, it can be very quickly lost, and I don’t know what the alternative to that is, other than when I go to Houston, I am happy that I can speak English, because I can get by (44).

In these specific instances, the racialization of Puerto Ricans was used by Congressmen as a way of maintaining the incorporated territory.

The members of Panel II repeatedly asked Congress to effect change in the political status of Puerto Rico. For instance, Miriam Ramirez basically equated equal rights for Puerto Ricans with “the admission of Puerto Rico as the 51st state of the union” (19). She also asked Congress to “provide clear and precise definition of the status options to be sent to voters” and expressed that “[n]o one can longer afford, politically or economically, to maintain a territory that disenfranchises its citizens, deprives them of economic opportunity, and has already cost the United States treasury over $150 billion since the Commonwealth’s founding in 1952” (20). Arturo Guzmán followed by asking the Committee not to blame the people of Puerto Rico or make them responsible “for the results and consequences of the failed political and economic experiment in colonialism that was created and imposed upon [them] by the Congress” (21). In a rather compelling and bold move, Guzmán urged:
He further argued that a territorial status brings fosters “a permanent underclass, and we do not want that for the future of our people” (29). As many of the other witnesses, Rigau also argued that the issue of the status was in the hands of Congress: “[i]t is a matter of political policy as to the terms and conditions that Congress is willing to enact” (29). Representing the Puerto Rico Bar Association, David Matta talked about the (un)constitutionality of the current status, and the desire of the Puerto Rican people for a change in the relationship. According to him, “Puerto Rico is currently in the midst of a crisis of constitutional proportions…. Congress must therefore act without delay” (31).

The last witness of the day was Admiral Diego Hernández, who asked for self-determination for Puerto Ricans. After giving statistics on the number of Puerto Ricans who have served in the U.S. military since 1917, including statistics of those who have died and those who have received Congressional honors for serving in war, Hernández urged the Senate to unleash its power “so that a moment of truth can come forward in a relationship between Congress and the individual citizens of Puerto Rico” (33).

**Second day, same topics, different players: Members of Congress grapple with Puerto Rico’s status**

Witnesses speaking on the second day addressed once again the topics of Congressional responsibility and Congressional inaction. Several Puerto Rican witnesses also contested the way they were racialized the previous day. The first person to deliver a statement on the 15th was Carlos Romero-Barceló, who, as it was to be expected from a member of the pro-statehood party, was very supportive of the bills. Nevertheless, Romero-Barceló’s deposition included several interesting statements criticizing Congress for its inaction. In his words:

> [The year 1998] marks 100 years of congressional indifference to the Puerto Rican dream of political equality. And it marks a century through which the democratic rights of the people of Puerto Rico have been ignored, unhappily, I may add, as a result of our own acquiescence, and our own inaction and acceptance of a relationship which denies democracy to almost 4 million U.S. citizens (2).

The Resident Commissioner decided to chastise Congressmen for their clear racialization of Puerto Ricans the day before by stating the following:

> It is a sad irony that the language or ethnicity of Puerto Ricans is irrelevant when they are called to defend democracy, [b]ut it becomes relevant when this is the language or ethnicity of a group that is not a United States citizen (29).
Can Congress say that people born in Puerto Rico from the year 2000 on are no longer U.S. citizens? Of course it can.
and “consider how best to allow our fellow citizens the opportunity to choose” (43). Sen. Craig also seemed to be similarly committed to S. 472 in his closing statement. According to him: “I must tell you, that while I’m very intent on the movements of S. 472, I am also intent on moving the right legislation...And I think that if we can come to a consensus here, that we can work with the house in the final effort by the Senate to get that done” (43). Those words marked the last formal hearing held by Congress on a joint legislation aimed to address the political status of Puerto Rico, exactly 50 years after President Truman had visited the Island and “told the people of Puerto Rico...that they should have the right to determine their own destiny” (Johnson 1980: 33).

**Final thoughts on colonial invisibility and the power of Congress**

The transcripts from the July 14-July 15, 1998 Congressional Hearing show that a political imperial power such as the U.S. can maintain a colony like Puerto Rico under its jurisdiction, and still claim not to be an imperial power. The transcripts also give us insight into what U.S. governmental officials are thinking when they insist that the United States of America is not an imperial power. As Vice-President Dick Cheney recently stated: “If we were a true empire, we would currently preside over a much greater piece of the earth than we do. That is not the way we operate” (Schmitt and Landler 2004). The statement “that is not the way we operate” is similar to several of the statements made by Congressmen during the Hearing, especially those statements dealing with the possibility of future action regarding Puerto Rico’s status. In the end, Puerto Rico’s coloniality is justified by: (1) racializing Puerto Ricans; and (2) inaction.

Also, Congressmen seem to dissociate their role as members of Puerto Rico’s governing body from the current status of the island. In fact, Sen. Murkowski’s statements indicated that he saw the status as a matter of internal politics within the island, from which Congress should stay away. It was clear that even though the Senator was in a powerful position as Chair of the Committee on Energy and Natural Resources, he did not seem to understand that the political status of a colonial entity must be examined by its relation to the metropolis; in this case the political status of Puerto Rico must be examined in relation to the United States’ government, of which he is a high-ranking member. There is no question, however, that Puerto Rico’s political status, and the material conditions derived from it, are in the hands of Congress, and the majority of the witnesses in the Hearing seemed to agree that inaction should not be an option for Congress, though it seems to be the only course of action Congress has taken for over half a century now.

Relatedly, the ways in which Puerto Ricans are racialized become a big component of this equation, for Puerto Ricans’ “Puerto Ricanness” is also used in the Congressional quest to avoid any significant action involving the political status of the island (especially action leading to Puerto Rico becoming a state of the union).
REFERENCES


