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March 27, 1973

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Mr. James H. Falk
Assistant Director
Domestic Council
The White House
Washington, D. C.

My dear Mr. Falk:

I appreciate the opportunity to confer with you, Mr. Fairbanks, and Mr. Rondón on March 14, 1973. In accordance with our conversation, I shall, in this letter, attempt to summarize the suggestion which I made. My suggestion pertains primarily to action which the United States and the Commonwealth of Puerto Rico might take as the next step in the progressive development of a relationship with the United States which the people of Puerto Rico hold very dear. In our estimation the Puerto Rican Federal Relations Act of 1952 which sets the terms of this relationship, is anachronistic.

Background

As you know, the United States and the Commonwealth are jointly committed to such progressive development. It was implicit in Public Law 600 - 81st Congress (July 3, 1950), which was expressly adopted "in the nature of a compact," which recognized the right of the people of Puerto Rico to "organize a government pursuant to a

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constitution of their own adoption." A part of this compact was the Federal Relations Act which continued in effect certain provisions of law dating back to 1900 as amended in subsequent years, governing the relations between Puerto Rico and the United States. The evolutionary and creative nature of Commonwealth, inherent in the whole history of the relationship itself, was underscored by several specific modifications of the federal relationship, effected by Act of Congress and of the people of Puerto Rico, jointly. In addition, this evolutionary concept is reflected in a series of initiatives which beginning with a resolution of the Legislative Assembly of Puerto Rico in 1962 have not as yet come to fruition.

In 1964, both governments joined in the creation of a United States-Puerto Rico Commission on the Status of Puerto Rico. (Public Law 88-271, February 24, 1964, enacted by the Congress, and Law No. 9, April 13, 1964, enacted by the Legislative Assembly of the Commonwealth.) The function of this Commission was to "study all factors ... which may have a bearing on the present and future relationship between the United States and Puerto Rico."

In 1966, the Status Commission issued its report, proposing a plebiscite on the status of Puerto Rico, in which the people of Puerto Rico would express their choice between Commonwealth, Statehood

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and Independence. It was explicitly understood that, as provided in the 1962 Resolution of the Legislative Assembly of Puerto Rico, a vote for Commonwealth would constitute a vote, not for a static form of that relationship as it existed at the time, but a vote to "maintain ... further growth of the Commonwealth." The Status Commission recommended that if the people voted for Commonwealth, so defined, "a joint advisory group or groups would be convened to consider these proposals."

The Plebiscite of 1967

In a plebiscite held July 23, 1967, pursuant to an Act of our legislature and following the recommendations of the Status Commission, more than 60% of the voters cast their ballots in favor of the Commonwealth alternative as against action leading towards Statehood or towards Independence. Specifically the plebiscite act and the ballot provided that a vote for Commonwealth involved "the reaffirmation of the Commonwealth ... as an autonomous community permanently associated with the United States and for of the development of Commonwealth "to a maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble link of the citizenship of the United States."

Unfortunately, no effective action has been taken to implement

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the plebiscite mandate. President Johnson expressed his readiness to appoint a joint advisory or advisory groups to implement the plebiscite decision. Local political problems prevented Governor Roberto Sánchez Vilella, from following up President Johnson's invitation made on August 17, 1967. Two years later, his successor, Governor Luis A. Ferré, leader of the statehood party, did act, but, contrary to the advice of the proponents of Commonwealth, he limited the scope of the advisory group to one item --the Presidential vote for Puerto Rico. That limitation was challenged in court by the Popular Democratic Party, whose position was that all measures conducive to a maximum of self-government had to be considered jointly. Five of the eight participating judges stated that such restriction violated the clear intent of the Plebiscite Law, --the other three did not express themselves on these grounds-- but a majority of the court held (5 to 3), on procedural grounds, that no legal remedy was available. See 98 DPR, pp. 339-475 (1970).

In accordance with Governor Ferré's initiative, an Advisory Group was appointed in April 1970 by joint action of President Nixon and the Governor. The Advisory Group reported in August 1971, recommending extension to the people of Puerto Rico of the right to vote for President and Vice President and proposing that this

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recommendation be submitted to the people of Puerto Rico for approval or disapproval in a referendum.

The Commonwealth (Popular) Party has again taken the position that the 1967 plebiscite calls for the presentation to the people of all measures conducting to a maximum of self-government and not a single isolated item.

The mandate of the 1967 plebiscite remains unfulfilled to this moment.

The Need for Improvement of Commonwealth

In the November 7, 1972 elections, with the political status once again in the fore-front of basic issues, the citizenry endorsed fully the continuation of Commonwealth as well as its early improvement. The basic success of the Commonwealth idea constitutes a unique development in America. On the face of its achievements and its continuing popular support it deserves the fullest opportunity to be strengthened and safeguarded.

The very fact that Puerto Rico has not repeated the traditional patterns of territorial incorporation or of nationalistic movements but has chosen to brave the uncharted seas of innovation renders Commonwealth particularly vulnerable to honest misunderstandings and to vicious attacks.

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At present, in the light of the experiences and ideologies of the former European colonies and the rhetoric of colonial liberation prevalent in Africa, Asia, Latin America and the Caribbean, progress and freedom in Puerto Rico are, and dialectically are almost bound to be, under constant attack. For we represent a basic commitment to rationality; to the realities and not the cliches of freedom; to improvement under law; and to good will among men. But such a commitment runs counter to the experiences, doctrines and tactics of the so-called third world. Commonwealth is not a story which has the quick, superficial appeal of formal independence, nor is it an easy course to create or to follow. It represents a style of heroic maturity which one can only hope will come into its own soon.

Puerto Rico's preeminent merit is that it has remained loyal to humane values and to the democratic process while struggling with difficult realities. But it would be illusory to suppose that Puerto Rico's own political process may remain static while everything changes in its surrounding world.

As an emerging society and as a post-colonial society, Puerto Rico cannot escape the tensions of the past and the present decade. As recently as September 1972 the so-called De-Colonization Committee of the United Nations, prompted by Cuba, aided and abetted by

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nationalist and independence groups in Puerto Rico and under the leadership of Bulgaria, China, Czechoslovakia, Russia, Iraq, Ecuador, Tanzania, Mali, India, Yugoslavia, Sierra Leone and Syrian Arab Republic, endeavored to declare Puerto Rico a non-self governing territory. The resolution was finally watered down to provide for carrying out a study for the same purpose.

Pressures from this group of nations, however, and of many others who share their views or who cater to them, are bound to result in continuing and repeated attacks upon the United States and Puerto Rico. Only the reality of steady progress and development will enable us effectively to reply to these assaults and to demonstrate that they are unjustified.

The Suggested Action

A relatively simple and effective step could be taken now which would be in furtherance of the commitment of the United States and the Commonwealth. This would be the joint creation of another Advisory Group, selected by the President and the Governor of the Commonwealth. The mandate of this Advisory Group would be twofold: First, to delineate and clarify all measures conducting towards a maximum of self-government for the Commonwealth of Puerto Rico within its relationship with the United States. The experience of the

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past twenty years permits the identification of several matters which ought to be settled in keeping with the principles heretofore accepted by the United States and Puerto Rico. Within these principles, one would hope to effect appropriate participation by the people of Puerto Rico in the powers exercised by the Government of the United States in matters affecting Puerto Rico as well as maximum autonomy for Puerto Rico's continued development as a self-governing community. Second, to recommend the most suitable, effective, and expeditious means for the formulation and joint consideration and adoption of specific measures for such development.

You will recall that, in our meeting, I illustrated some of the problems and possibilities that the Advisory Committee might consider: For example, possible changes in regulation of television and radio which is now exclusively committed to the F.C.C.; coastwise shipping laws; the special mechanism provided by statute for fixing minimum wages in Puerto Rico; and the possibility of devising some mutually satisfactory mechanism for improved Puerto Rico participation in federal laws and administration applicable in Puerto Rico.

Once the Advisory Committee has identified the basic themes it might complete its task by referring the matter to the President and to the Governor of the Commonwealth. The guiding objective

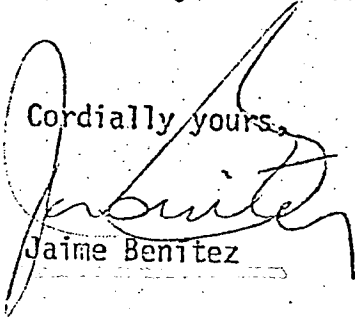
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would be for them to consider and agree upon joint proposals to be submitted to the Congress and to the people of Puerto Rico. Or the Advisory Committee might wish to refer its conclusions to the people of Puerto Rico for subsequent formulation of specific proposals by them. Said proposals in turn would be submitted to the President and to the Congress, following the model of Public Law 600 --81st Congress. Alternatively the Committee itself might devise other modus operandi. In any case juridical modifications would have to be approved both by the Congress and by the people of Puerto Rico.

If this suggestion appears to you and your associates to be feasible, the appropriate procedure would seem to be for the Governor of the Commonwealth, to write the President, formally inviting the joint appointment of an Advisory Group for this purpose. I shall, of course, be glad to discuss the suggestion with you and to have the benefit of any suggestions that you and other officials might make with respect to changes or otherwise.

Again, I express my thanks to you and your associates for your helpful consideration.

Cordially yours,


Jaime Benitez

cc: Mr. Richard Fairbanks
Mr. Fernando Rondón

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