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ISSUE BRIEFING

A CLASH OF CULTURES:

THE FUTURE OF PUERTO RICO AND THE UNITED STATES

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A CLASH OF CULTURES: The Future of Puerto Rico and the United States

FOREWORD

The purpose of this comparative study is to provide policymakers and the public with a useful perspective on Puerto Rico's history and the important questions that need to be answered in regard to its future. This research takes a comprehensive look at the different options available to Puerto Ricans – independence, maintenance of the status quo, free association with the United States, and statehood – and discusses the consequences of each. With its position as a commonwealth in question, it is important to take into consideration the possibility of Puerto Rico becoming our 51st state.

This research also highlights the vital role that language plays in forming a national identity. Most Puerto Ricans insist that their U.S. citizenship is separate from their national identity,¹ and the Spanish language continues to be one of the primary symbols of this identity.² In fact, the dominant discourse is that being Puerto Rican is virtually synonymous with speaking Spanish.³ Clearly, the Spanish language is fundamental to maintaining their cultural identity. This cultural identity, when discussed within the context of each of the status options, has varying circumstances and effects.

It must be understood, however, that Spanish is not the only language essential to a peoples' identity. Certainly, English is essential to being an American. This briefing aims to provide the interested reader with an informative case study of the considerable role languages, both Spanish and English, play in our lives and the important questions that should be addressed.

INTRODUCTION

It has been over one hundred years since Puerto Rico was ceded to the United States as a result of the Spanish-American War. Since that time, Puerto Rico has been allowed a measure of self-government, but has remained under the direct authority of the United States Congress. Throughout history, Congress has considered and debated a change in Puerto Rico's political status, only to have the status ultimately remain the same. Most recently, the 111th Congress considered legislation with the potential to change Puerto Rico's status.

Currently, the legislation provides four possibilities for Puerto Rico's future: continuation of the status quo, i.e., remain a commonwealth, independence, statehood, and sovereignty in association with the United States. Each of these options encompasses both benefits and drawbacks for Puerto Rico and the rest of the United States. Each also carries significant cultural, financial and tax policy implications. While all implications should be considered in their entirety, this briefing will discuss the effect each option has on language policy. Unfortunately, many of the issues centered on language are ignored or obscured by proponents of the various alternatives.

Since statehood is the most radical of the options, it is highlighted in detail in this briefing. When considering the option of statehood, important questions need to be asked and answered about the degree of linguistic and cultural accommodation that will need to be made by both Puerto Rico and the U.S. Can a state where over 80% of the population experience difficulty when speaking English⁴ adjust to a country in which over 80% of the population speak English?⁵ If statehood ultimately prevails, would there be an expectation to make special linguistic concessions to the new state? And would this condition of linguistic assimilation be interpreted as an erosion of their culture?

Language policies and their accompanying concerns should be essential to the discussion of admitting a new state. Given that the Constitution not only empowers Congress to admit new states, but to set conditions prior to and for such admission, it is only fair to the people of Puerto Rico that Congress make clear ahead of time the conditions under which the island could be admitted.⁶ The people of Puerto Rico must know what the *expectations* are if they choose statehood. Equally, the rest of the U.S. must know what the *consequences* are should they choose to offer statehood.

PUERTO RICO'S HISTORICAL STATUS AND DEVELOPMENT, 1493 – 1952

The U.S. has exercised control over Puerto Rico since Spain ceded the island to the U.S. in 1898. In 1902, the Official Languages Act was established. Under this Act it was declared that English was to be considered a co-official language with Spanish in all insular governmental departments, including courts and public offices, and only when necessary, translations and interpretations could be made.⁷

In March 1917, President Woodrow Wilson signed the Jones Act, making the island a U.S. territory, and granted residents of Puerto Rico statutory citizenship. The Act also created a bill of rights, provided for a popularly elected Senate, permitted the election of a Resident Commissioner to the U.S. Congress,⁸ and decreed English as the official language of Puerto Rico.⁹

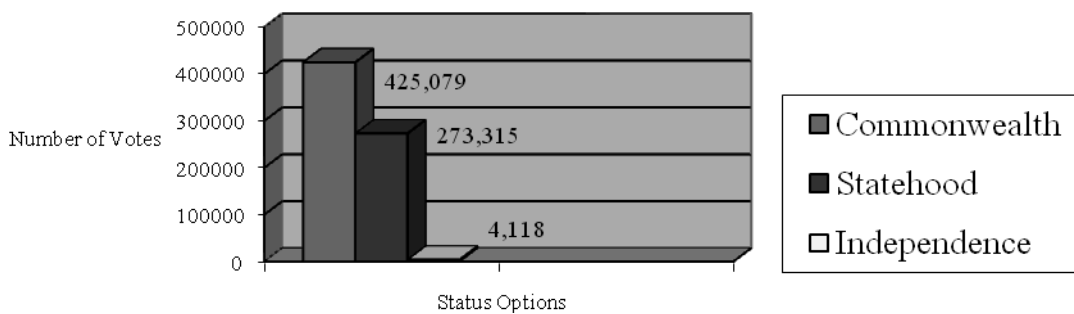
In 1934, Spanish was instituted as the language of instruction in the island's school system, applicable to grades eight and below. However, in 1946 Puerto Rico passed legislation mandating the sole use of Spanish as the language of instruction in all levels of public education.¹⁰

In 1952 Congress passed Public Law 600, the Puerto Rican Federal Relations Act, which allowed the people of Puerto Rico to hold a Constitutional Assembly. The Assembly drafted a document establishing the Commonwealth of Puerto Rico, creating a government with an elected governor, a legislative branch with guaranteed minority representation, and a judicial system with civil liberties. The Commonwealth was approved by an overwhelming majority¹¹ and later approved by Congress. Even though the Commonwealth government gave the greatest level of political autonomy in the history of Puerto Rico, the island was, and continues to be, under the direct authority of the U.S. Congress.

PUERTO RICO'S STATUS, 1952 – 1998

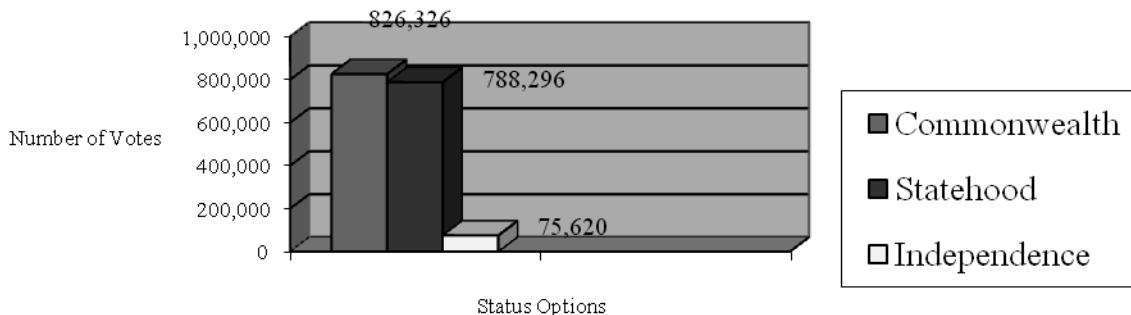
Since the establishment of the Commonwealth status, the people of Puerto Rico have challenged and debated this status, only to repeatedly and overwhelmingly reaffirm continuation of it. In July 1967 Puerto Rico's government conducted the island's first plebiscite, in which the island's citizens voted on the future of Puerto Rico's relationship with the U.S. Puerto Ricans were asked to choose between the existing commonwealth status, statehood, and independence. With a voter turnout of 66%, a majority of voters upheld their support for the commonwealth status, with 60.5 % (425,079 votes) voting for the *status quo*. Statehood received 38.9% (273,315 votes) and Independence received 0.6% (4,118 votes).¹²

1967 Plebiscite



In December 1991 Puerto Rican citizens voted in a referendum authorized by the Puerto Rican legislature. The referendum gave voters the opportunity to vote for self-determination, or new rights that would be incorporated into the commonwealth constitution.¹³ These rights included the right for Puerto Ricans to determine the island's status without being subject to Congress' power, guarantees of the continuation and preservation of the island's culture (including official use of the Spanish language), and a promise of constitutional U.S. citizenship, thereby replacing the statutory citizenship granted in 1917.¹⁴ Again, a majority of citizens rejected any change in the island's status. With a 59% voter turnout, 53.6% (826,326 votes) voted against self-determination, while 45.4% (788,296 votes) voted in favor of it.¹⁵ That same year a law passed declaring Spanish as the sole official language of the island's government.¹⁶

1993 Plebiscite



Two years later Law Number 1 of 1993 re-established English and Spanish as co-official languages. In that same year, the Puerto Rican legislature once more acted on its own initiative organizing another plebiscite, again asking for voters to choose between commonwealth, statehood, and independence. With an 81% voter turnout, no option received a majority. The commonwealth status won with 48.6% of the vote, a narrow plurality over statehood, which received 46.4%. Independence trailed far behind at 4.4%.¹⁷

Because none of the options received a majority of the votes, the future status of Puerto Rico became embroiled in confusion. Commonwealth proponents pointed to their plurality as a reaffirmation of the *status quo*.¹⁸ Statehood advocates contended that a majority voted for a *permanent* status (independence votes combined with statehood votes) and that permanency was something not provided within the *status quo*.¹⁹ Independence supporters viewed the outcome as a majority of voters' rejection of statehood in favor of retaining Puerto Rican nationhood.²⁰

Because of this confusion, Puerto Rico's government again petitioned Congress for a federally sanctioned plebiscite.

Status Bills in the 104th Congress

In December 1994, the Puerto Rican Legislature formally appealed to Congress to not only respond to the confusing and unclear results of the 1993 plebiscite, but to formulate the island's next steps in addressing the question of its' political status.²¹

In response to this call for assistance, the issue received brief attention in the 104th Congress (1995 – 1996). Two bills were considered, H.R. 3024 and S. 2019. Critics charged that both bills were biased in favor of a pro-statehood vote.²² The House bill completely disallowed a vote for commonwealth, the historically most popular option. Under the Senate bill, part one of the two-part ballot grouped the diametrically opposed statehood and independence options together as one choice in opposition to commonwealth.

In the end, S. 2019 was never brought to a vote, and H.R. 3024 was withdrawn from consideration after it was amended to require that English become the language of instruction in Puerto Rico's public education system.

Status Bills in the 105th Congress

In the 105th Congress (1997 – 1998), both chambers considered comparable versions of the predecessor bills from the 104th Congress, but with one significant difference: the new bills, H.R. 856 and S. 472, allowed commonwealth as an option in addition to statehood and independence.

With the support of House Speaker Newt Gingrich (R-GA), H.R. 856 was quickly brought to the floor for a vote. The majority of Republicans refused to back the bill without language requiring that, should Puerto Rico vote for statehood, English would become the island's official language. Unable to gather enough support for an official English amendment, H.R. 856 went on to merely require "*incentives* to increase the opportunities...to

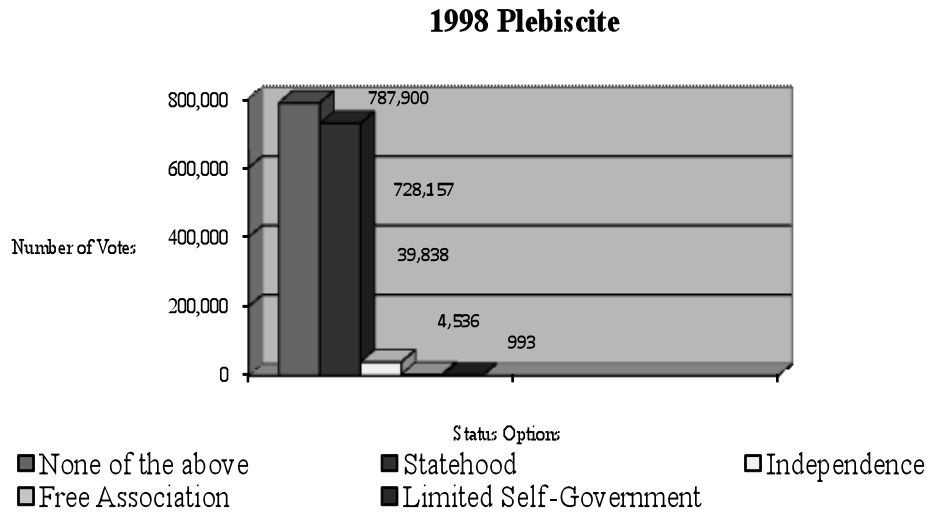
expand...English proficiency in order to promote and facilitate communication with residents of all other States of the [U.S.].²³ The House bill ultimately passed by one vote in dramatic fashion – the bill was initially defeated, but then Rep. Earl Pomeroy (D-ND) withdrew his “no” vote and voted in favor of the bill.²⁴

The Senate version did not include any reference to promoting English proficiency, much less, an official English amendment. Unlike their counterpart, the Senate did not even vote on S. 472. Instead, the Senate passed a simple resolution merely reaffirming the right of Puerto Rico to hold plebiscites and pledging to review the results of any plebiscite.²⁵

The 1998 Plebiscite

In December 1998, Puerto Ricans, once again organized a plebiscite on their own initiative. This time, there were five options listed on the ballot: independence, commonwealth, free association, statehood, and none of the above.

The plebiscite’s outcome was unforeseen – with a 71% voter turnout, “none of the above” garnered 50.3% (787,900 votes) of the vote, just enough for a majority victory. Statehood improved its showing from 1993 with an increase by only 0.4 percentage points, with 46.5% (728,157 votes). Independence received only 2.5% (39,838 votes) of the vote, and the commonwealth and free association options got less than one percent each (993 and 4,536 votes respectively).²⁶



At the time of this publication, no plebiscite concerning Puerto Rico’s political status has been held since the 1998 vote.

DEVELOPMENTS IN THE 106TH CONGRESS

Although the 106th Congress (1999 – 2000) saw little action in passing legislation, the public witnessed an expression of interest and willingness by Congress in seeking further discussion on the issue of Puerto Rico’s status.

H.R. 4751, the Puerto Rico-United States Bilateral Pact of Non-territorial Permanent Union and Guaranteed Citizenship Act, was meant to merely recognize “entry of ... Puerto Rico into permanent union with the [U.S.]...” and guarantee citizenship as a right under the Constitution.²⁷ Although H.R. 4751 was seen as an attempt by Congress to ease Puerto Ricans’ concerns, the bill received no action.

Even though language had been, at the very least, cause of some debate by a number of congressional members, Executive Order 13166, signed into law on August 11, 2000 by then President William J. Clinton, brought the language issue and its accompanying debate into plain view. EO 13166 placed the federal government on the path to official multilingualism, an act surely to be viewed by non- or limited English speakers as hugely beneficial, especially at a time when many members of Congress were attempting to insert official English provisions in legislation. The act provided that any entity receiving federal money was required to provide services in *any* language.²⁸ This meant that private physicians, clinics, and hospitals that accepted Medicare and Medicaid, or schools, post offices, and motor vehicles offices, were obligated to provide, *at their own expense*, interpreters for any language spoken by any person. Aside from the concern of the enormous and burdensome costs this Executive Order caused, there was also a concern of the government providing a major disincentive to learn English.

Shortly after this Executive Order, in December 2000, President Clinton signed Executive Order 13183, which established the President’s Task Force on Puerto Rico’s Status. EO 13183 implemented policies to address concerns about the island’s political status, to help develop positions on proposals, to clarify the options among the status preferences (so that they were constitutionally sound), and ultimately, if necessary, to implement the status option chosen by a majority of the people of Puerto Rico.²⁹ Pursuant to the order, as later amended, the task force was to provide an update to the President as needed, but no less than once every two years, on any progress made.³⁰

RECENT DEVELOPMENTS

Over the next few Congressional sessions, similar bills concerning Puerto Rico’s self-determination process were proposed in both the House and the Senate, but ultimately never received final passage from both chambers. As of 2010, no congressionally-mandated plebiscite has ever been held on the island.

2005 Presidential Task Force Report

In December 2005, a Report by the President’s Task Force was released and made clear in its findings that there are only two non-territorial options recognized by the U.S. Constitution

that establish a permanent status between the island and the U.S. government – statehood and independence.³¹

The Report provided the following recommendations:

- Within a year, Congress would sanction a two-stage plebiscite where the people of Puerto Rico will choose between “whether they wish to remain a U.S. territory” or to move toward “a permanent non-territorial status with the United States.”
- If the first plebiscite yields a desire to move toward a permanent non-territorial status, an additional plebiscite will be held where Puerto Ricans will choose between one of the two permanent options – statehood or independence. Based on the result, “Congress is encouraged to begin a process of transition toward that option.”
- If the first plebiscite yields a desire to remain a territory, the Report recommends the periodic occurrence of additional plebiscites “to keep Congress informed of the people’s wishes.”³²

This Report was largely controversial in Puerto Rico. Both the independence and statehood movements wholly supported the Report’s conclusions and recommendations. The commonwealth advocates, on the other hand, committed their voices to challenging the statements issued by the Report.

2007 Presidential Task Force Report

In keeping with the two-year requirement, a second report was released by the President’s Task Force on Puerto Rico’s Status in December 2007. While this Report largely restated the conclusions stated within the 2005 Report, the task force did provide an acknowledgment of the island’s history of autonomy and “significant powers of self government” and a “measure of autonomy comparable to that possessed by the States,” a recognition that was not as obvious in the 2005 Report³³. Though the 2007 Report acknowledged the commonwealth status provided some degree of self-rule on the island, it reconfirmed its posture in the 2005 Report –

[T]he term [Commonwealth] captures Puerto Rico’s special relationship with the [U.S.]. [It] does not, however, describe a *legal* status different from Puerto Rico’s constitutional status as a “territory” subject to Congress’s plenary authority under the Territory Clause... Congress may continue the current commonwealth system indefinitely, but it necessarily retains the constitutional authority to revise or revoke the powers of self-government currently exercised by the government of Puerto Rico. Thus, while the commonwealth of Puerto Rico enjoys significant political autonomy, it is important to recognize that, as long as Puerto Rico remains a territory, its system is subject to revision by Congress.³⁴

In effect, the 2007 Report merely reiterated the conclusions and recommendations of the 2005 Report. Not unlike the 2005 Report, the independence and statehood movements continued to support the new update.

Executive Order by President Barak Obama

In October 2009, President Barack Obama issued Executive Order 13157, an order amending President Clinton's order in 2000. The Obama Order mandated, "The Task Force shall ensure official attention to and facilitate action on matters related to proposals for Puerto Rico's status and provide advice and recommendations on such matters to the President and the Congress." It further ordered an updated report from the Task Force on their actions to be no later than October 2010.³⁵

Status Bills in the 111th Congress

On May 19, 2009, H.R. 2499, the Puerto Rico Democracy Act of 2009, was introduced in Congress by Pedro Pierluisi, the Resident Commissioner from Puerto Rico. H.R. 2499 was designed to provide a federally-sanctioned plebiscite to determine the island's political status.

Pursuant to H.R. 2499, a two-stage plebiscite, meant to merely inform Congress about Puerto Ricans' preferences, would be conducted. The first stage provides two options: (1) Puerto Rico should continue to have its present commonwealth status; or (2) Puerto Rico should have a different political status. If a majority votes for a different political status, stage two occurs. Stage two provides voters with four options: (1) Independence: Puerto Rico should become fully independent from the U.S.; (2) Sovereignty in Association with the U.S.: Puerto Rico and the U.S. should form a political association between sovereign nations that will not be subject to the Territorial Clause of the U.S. Constitution; (3) Statehood: Puerto Rico should be a state of the Union; or (4) Commonwealth: Puerto Rico should continue to have its present form of political status.³⁶

English language issues were brought up through hotly disputed amendments. Congressmen Paul Broun (R-GA) and Steve King (R-IA) proposed an amendment that would require the plebiscite ballot to clarify that if the voters chose statehood, English would be the official language of the State. Thus, all official business would be conducted in English. This proposed amendment never received a vote. Instead, Congressman Dan Burton's (R-IN) English-language amendment was accepted. Under his amendment, voters were to be informed in all authorized plebiscites that if Puerto Rico is admitted as a state any official language requirements of the Federal Government shall apply to the island as it is applied throughout the other states. Further, the English language shall be *promoted* in the island's schools in order to achieve English proficiency.³⁷

The Act earned the bi-partisan support of more than 180 co-sponsors and passed the House on April 29, 2010. While it made its way to the Senate, the Act received no action.

PUERTO RICO'S STATUS OPTIONS: LINGUISTIC AND CULTURAL CONSIDERATIONS

Though Puerto Rico is technically part of the U.S., Puerto Ricans believe they have their own national identity separate and distinct from the rest of the states.³⁸ Even U.S. Representative Luis Gutierrez (D-IL), asserts the separateness by stating, “the fact is that Puerto Rico is a nation” and “the people of Puerto Rico consider themselves a nation...”³⁹

How does this separate identity operate within the different status options? When considering this question, the following facts should be kept in mind. First, Puerto Rico has had its own language and its own culture long before becoming part of the English-speaking majority U.S. Second, an overwhelming majority of Puerto Rico’s population speaks a language different from that of the rest of the U.S. Third, Puerto Rico has political movements that focus on independence as the key to maintaining a separate cultural and linguistic identity. These are all facts that, when viewed within the context of the various status options, may affect not only Puerto Rico’s identity significantly, but the identity of the rest of the U.S.

Commonwealth

Puerto Rico’s status has been given the label “commonwealth,” technically defined as an unincorporated territory under the jurisdiction of the U.S. government. The practical understanding is that Congress retains ultimate authority over the island and could alter this arrangement even without the consent or approval of the Puerto Rican people. However, the U.S. has traditionally granted Puerto Rico a certain amount of autonomy. This grant of relaxed authority has allowed the Puerto Rican people to enjoy their own cultural distinctiveness without interruption from Congress. Commonwealth avoids some of the major disadvantages that would accompany a change to statehood or independence. As some commonwealth supporters say, it is the “best of two worlds.”⁴⁰

Retaining the commonwealth status allows the Puerto Rican people to maintain a close relationship with the U.S. and reap the benefits that relationship brings, yet preserve their unique culture and sense of identity. It is a common talking point of commonwealth advocates that statehood would not guarantee the cultural independence promised by commonwealth – becoming a state would, by the process of integration into the U.S., erode Puerto Rico’s culture, language, and thus, their cultural identity.

Perhaps the most visible symbol of that Puerto Rican identity is the Puerto Rican Olympic team. During the 1996 Olympics, the Popular Democratic Party (PDP) ran television ads showing an athlete running in reverse and having his medal taken away, dramatizing the fact that Puerto Rico could not maintain its own Olympic team after becoming a state.⁴¹ During the 1993 plebiscite campaign, there was another highly visible reminder of Puerto Rican nationalistic pride: the reigning Miss Universe was Puerto Rican.

Pride in Puerto Rico’s cultural identity and roots go deeper than sports and beauty pageants. Of much more fundamental importance, and touching the lives of all Puerto Ricans, is the issue of language. Over ninety-five percent of Puerto Rico’s population speaks Spanish, and fewer than twenty percent of Puerto Ricans are proficient in English.⁴² Currently, California, the

U.S. state with the lowest English proficiency rate, still significantly surpasses Puerto Rico's rate; approximately eighty percent of Californians are proficient in English.⁴³

Puerto Rico's close connection to the U.S., in terms of proximity and political ties, has had a profound effect on the island's culture; the island is exposed to "an intense penetration of American capital, commodities, laws, and customs unequaled in other Latin American countries."⁴⁴ Yet the commonwealth status allows a significant degree of linguistic and cultural freedom, and "Puerto Ricans display a stronger cultural identity than most Caribbean peoples, even those who enjoy political independence."⁴⁵

Statehood

In the 1967 plebiscite, statehood garnered approximately thirty-nine percent of the vote, losing to commonwealth by twenty-one percentage points. Twenty-six years later, statehood narrowed the gap to just two points. The momentum behind statehood is significant and the likelihood of the Puerto Rican people voting to become a state becomes more and more imminent.

Becoming a state, however, will have a major affect on the cultural independence Puerto Rico now enjoys. The most important characteristic of statehood that must be taken into consideration is the fact that statehood is a permanent change. If conditions change, and Puerto Ricans dislike what is happening to the island, culture, and/or language as a result of statehood, Puerto Rico cannot secede to become independent, or even return to commonwealth status. Going back is not an option.

If Puerto Ricans vote to become the 51st state, and Congress approves, Puerto Rico will indisputably suffer difficulty in maintaining its unique culture when politically integrated into the U.S. The use of the Spanish language is important to Puerto Ricans. Will Spanish in Puerto Rico follow the path of Hawaiian in Hawaii, reduced almost to the status of a quaint reminder of a previous culture? Or will the Puerto Rican people expect the rest of the States to accommodate the Spanish language and create an exception to the rule?

Independence

In the five centuries since Columbus first landed on the island, Puerto Rico has never been independent. A possession of Spain for over four hundred years, and a territory of the U.S. for over one hundred, the island has never been given the opportunity to make it on its own.

Both statehood and independence supporters see Puerto Rico as the last major colony left in the world. But, while statehood supporters believe the solution is to give the island equal status within the U.S., independence supporters believe such a move would create more problems than it would solve. The importance of language and culture to the Puerto Rican people cannot be underestimated. Even statehood supporters agree that language and culture are non-negotiable issues. Independence advocates point to Quebec, Ireland, Lithuania, and Bosnia to demonstrate the powerful and disruptive effects of cultural incompatibility, and warn that the U.S. is asking for trouble if it makes Puerto Rico a state.⁴⁶

Independence offers Puerto Rico the same cultural and national pride advantages over statehood that the commonwealth status offers: participation in international competitions, a worldwide national identity, and most importantly, maintenance of Puerto Rico's language and unique culture. Clearly, the advantages of independence stem from the desire of the Puerto Rican people to maintain their language and culture without any intrusion from an authoritative power. If Puerto Rico ever achieves independence, it will be because the power of national identity overcame economic and political issues and that the Puerto Rican people grew tired of their language and culture being not only influenced by the U.S., but subject to interference.

Free Association

Free association is a form of independence in the sense that it allows Puerto Rico to establish sovereignty outside the federal constitutional system of the U.S. By entering into an agreement to "legally connect the political, economic development, military, or other interests of the United States with those of the sovereign nation,"⁴⁷ free association is an ideal agreement for those likely to later transition to full independence. The agreement outlines the terms in their relationship and both parties have the right to terminate the agreement at any time.

Like independence, free association would allow Puerto Ricans to maintain their cultural identity without (or with little) influence from the U.S. While both parties must agree to the terms within the agreement, it is likely Puerto Rico would not relinquish any cultural and/or linguistic concessions in choosing this status. In fact, free association would certainly encourage the separatist philosophy on the island.

Currently, free association exists between the U.S. and the Pacific island nations – the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.⁴⁸

Effects on the United States

The previous sections discussed the effects Puerto Rico's linguistic and cultural identity had on the various status options from Puerto Rico's point of view. However, it is also imperative to examine the effect Puerto Rico's cultural identity, within each of the status options, has on the rest of the U.S.

Clearly the greatest potential source of problems is the linguistic and cultural differences between the island and the rest of the U.S. Reconciling this conflict of cultures and languages could not only pose serious challenges, but will most likely be met with an unyielding resistance from the Puerto Rican people. Even Representative Gutierrez, in providing a statement in Congress, has agreed, "Our culture and our language are not negotiable...Let us not talk about imposing another language."⁴⁹ This type of opposition raises some complex questions:

- Would Spanish be used for the official record in federal and state courts in Puerto Rico? On appeal, the courts of appeal and the Supreme Court must base their

decisions on the official record. Does the Supreme Court need to become bilingual to handle appeals from Puerto Rico?

- What language should be spoken by employees of other branches of the federal and state governments in Puerto Rico? Must federal employees who might be assigned to work in Puerto Rico speak Spanish?
- The educational system in the U.S. is predominantly English. The contrary is true in Puerto Rico – their system is taught in Spanish, with no more than one-hour of English instruction per day. Will Puerto Rico be the first state where the educational system treats English as a foreign language? And if so, how is the goal of English fluency attainable by their students?
- Would Puerto Rico be the first state to be an exception to the rule of historical precedent and be allowed to continue in operating predominantly in Spanish, thereby forcing the rest of the states to bend to their linguistic circumstances?

Any effort to make English the dominant language of Puerto Rico, while viewed as assimilation to the rest of the U.S., is seen as “cultural suicide” to Puerto Ricans.⁵⁰ When Puerto Rico’s education secretary proposed making English the second language of school instruction in 1997, a National Review article wrote:

One teacher, Digna Irizarry, told the New York Times, ‘I will refuse to teach in English.’ Even Secretary Fajardo was quoted by the Times as saying that ‘we agree that English will always be the second language of education.’ According to this same Times article, ‘fully 90 percent of the island’s 650,000 public-school students lack basic English skills by the time they graduate.’ The fact is that the top priority of Puerto Rican schools is to teach children Spanish, not English.⁵¹

This briefing only addresses the linguistic and cultural conflicts statehood potentially imposes on the rest of the states in the Union. Obviously, other concerns are present – financial, economic, tax, and policy implications are all issues that come with their own set of challenges and questions⁵². Because of the permanent nature of statehood, these questions and many others should be answered before Congress grants statehood to Puerto Rico. Not only must Puerto Ricans know what they are getting into, the rest of the United States must know what it is getting.

CONDITIONS FOR STATEHOOD AND THE HISTORICAL PRECEDENT

Some have perpetuated the argument that, should Puerto Ricans vote in favor of statehood, Congress would be legally obligated to grant it. However, a careful examination of the Constitution, case law, and mere historical precedent shows that this claim is technically false: the admission of states into the Union remains within the sole discretion of Congress.

Others have argued that, even if there is no *legal* right to statehood for Puerto Rico, there is a *moral* right to statehood. They reason that Puerto Rico has been subject to the U.S. for a

lengthy period of time, Puerto Rican citizens have fought and died for the U.S., and if the island votes to become a state, Congress should not turn down a petition for the admission of entry into the U.S. While this argument certainly pulls at the moral heartstrings, it is also technically untrue.

Both arguments fail to consider a factor that throughout this nation's history has been a factor in only four other appeals to statehood – English fluency, or the lack thereof. While there have been multiple paths to statehood, there have only been four times where Congress has confronted the question of statehood for a U.S. territory with a *significant and historically rooted non-English speaking population*. In each case, Congress made clear, *before a vote by the people*, of its linguistic conditions, a power granted to it by the Constitution in Article IV, Section 3.

While language-related conditions will most likely not be taken lightly, such requirements of cultural and linguistic change pre-statehood are not unprecedented; Congress has imposed language restrictions on other states during their statehood process. The first case in which Congress created linguistic requirements for statehood was Louisiana. In 1811, President James Madison signed the Louisiana Enabling Act, establishing the conditions under which heavily French speaking Louisiana could become a state.

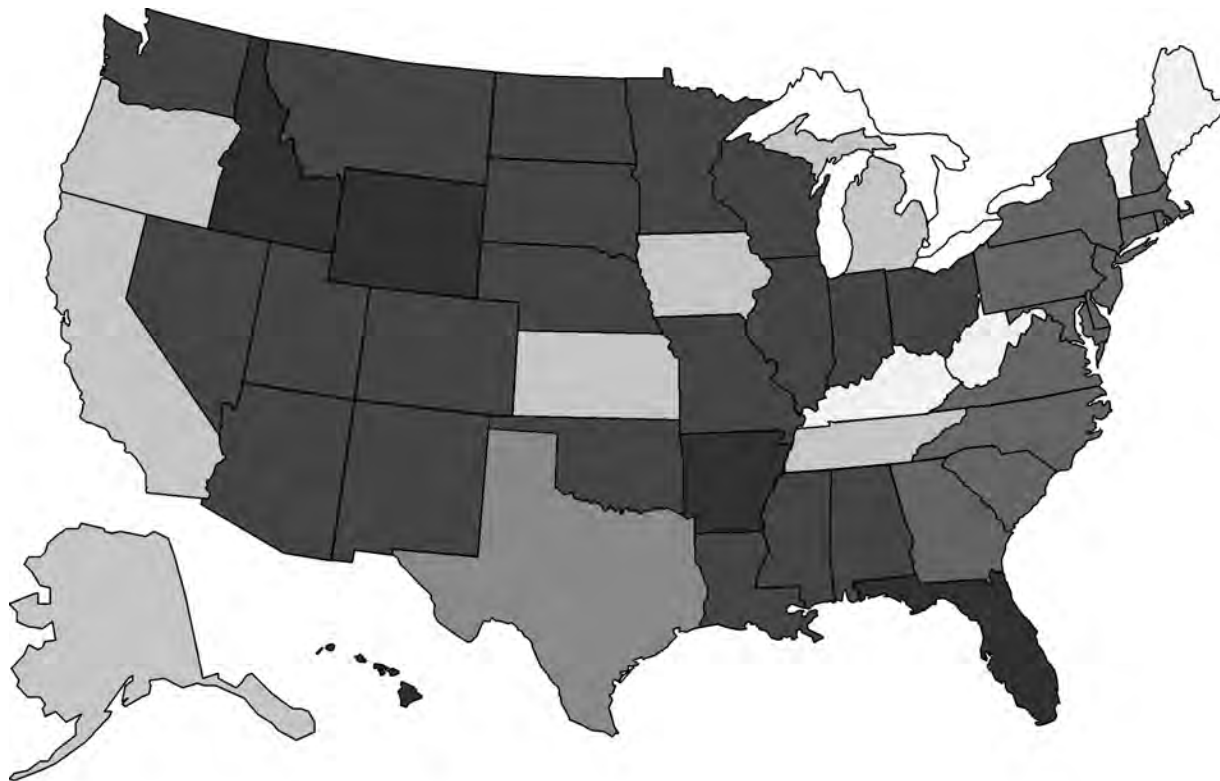
Similarly, Oklahoma and New Mexico were both required to have state constitutions providing that public school education be conducted in English. Arizona was required to guarantee that its executive and legislative officials read, write, speak and understand English.⁵³ In all four cases, Congress made clear *before* the vote occurred in these potential states that English was a condition for statehood. Other conditions that have been debated and discussed include:

- Legislative and judicial proceedings and records must be kept in English.
- English fluency must be required for holding public office.
- Public schools must teach in English.
- English must be the official language of the State.

Some statehood supporters have suggested an officially bilingual state, with Spanish and English sharing status as the official languages of the state. There is some precedent for this: English and Hawaiian are the dual-official languages of the state of Hawaii, but Hawaiian is only to be used under limited circumstances.⁵⁴ In actuality, Hawaiian is typically only used in a ceremonial sense. A similar status for Spanish is clearly not what the statehood advocates contemplate.

Others have questioned why there have been states throughout the years that came into the Union *without* linguistic conditions. The times Congress has imposed linguistic conditions *before* the potential state joined the Union were only necessary because the potential states had a significant non-English speaking population. It is logical then, that if the territory had a majority-English speaking population language conditions were unnecessary, and that is clearly the case with these other states.

Historic Paths to Statehood



- The first 13 colonies in the Union. Each wrote its own constitution.
- Annexation of an independent republic.
- Creation of new states from existing states.
- Unilateral action in territories to present an organized "state" to Congress for consideration to be admitted to the Union, also known as the "Tennessee plan."
- Development of a state constitution without congressional support.
- Congressional enactment of enabling legislation.

Source: Congressional Research Service. *Political Status of Puerto Rico: Options for Congress* by Keith Bea and Garrett, R. Sam. RL32933 (March 16, 2010).

CONCLUSION

If Congress wishes to minimize the risks involved in absorbing a large population with a different culture, it must take some steps both before and after a vote in order to offer Puerto Ricans a fair opportunity to understand the consequences of each option, particularly statehood.

Some suggest a long-term approach by allowing Puerto Rico to make any necessary changes to its institutions prior to statehood to allow a period of testing and adjustment. Such a procedure would allow voters to start toward statehood, but allow them to back out if they felt that it required too much change.

Another idea is to consider requiring a supermajority of voters to approve the statehood option. The two most recent states admitted to the Union approved statehood by overwhelming margins: Alaska with a vote of eighty-three percent in favor, and Hawaii with a vote of ninety-four percent in favor. Considering the permanency of statehood, it does not make sense to grant it unless the overwhelming majority of Puerto Ricans favor such a step.

But the easiest plan is to be forthright in advance. If Congress intends to impose the same conditions it has imposed on every other state with language concerns, the conditions should be disclosed *before* the people vote. Statehood is a permanent step, and if the conditions necessarily require linguistic change to the practices and lifestyle of the people, specifically with regard to statehood, then they should know that in advance and be allowed to make an informed decision as to whether statehood is what they want.

If Congress wishes to admit Puerto Rico as the 51st state, but avoid a clash of the cultures, Congress not only must create conditions and/or a long-term plan that would ensure that Puerto Rico would be compatible with the rest of the U.S., but should clearly outline what it means to be a state.

Although the people of Puerto Rico have the right to voice their wishes for their future, their desire to maintain their identity through language and culture may not be a desire for the rest of the states. Puerto Ricans say language and culture are not negotiable, but history has shown there would have to be some linguistic adaptation if the State of Puerto Rico is to integrate smoothly into the American polity. Given the historical, economical, and cultural implications, it is unlikely Puerto Rico would become an exception to the rule.

However, if such integration is to become a reality, Congress can best serve the people of Puerto Rico and the U.S. by addressing the language and cultural concerns before allowing the people to voice their desire formally; their decision must be based on a full understanding of the consequences of their decision. The failure to begin the process fair and just will undoubtedly result in an unjust outcome. While the U.S. has never been in the business of adding stars to our flag arbitrarily or at the mere whim of a people, serious attention must be had to these concerns before we add the 51st.

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- ² *Ibid.*, p. 434.
- ³ *Ibid.* (citing Ana Celia Zentella [1997])
- ⁴ U.S. Department of Commerce, Bureau of the Census, 2006-2008 American Community Survey, S1601 Language Spoken as Home.
- ⁵ U.S. Department of Commerce, Bureau of the Census, 2005-2009 American Community Survey.
- ⁶ U.S. President's Task Force on Puerto Rico's Status, *Report by the President's Task Force on Puerto Rico's Status*, p. 7. 2005.
- ⁷ *Ibid.*
- ⁸ Congressional Research Service. *Political Status of Puerto Rico: Options for Congress* by Keith Bea and Garrett, R. Sam. RL32933 (March 16, 2010).
- ⁹ Magaly, "Welcome to Puerto Rico."
- ¹⁰ *Ibid.*
- ¹¹ CRS, p. 8-9.
- ¹² CRS, p. 30.
- ¹³ *Ibid.*, p. 12.
- ¹⁴ *Ibid.*
- ¹⁵ *Ibid.*, p. 30.
- ¹⁶ "Puerto Rico." *New World Encyclopedia*. 2 Apr 2008, 14:54 UTC. 8 Sep 2010, 14:12 <http://www.newworldencyclopedia.org/entry/Puerto_Rico?oldid=682544>.
- ¹⁷ CRS, p. 30.
- ¹⁸ Booth, William, "Puerto Rico Turns Its Back on Statehood," *The Houston Chronicle*, (15 November 1993), A1.
- ¹⁹ "Puerto Ricans for Statehood Look to the Future After Vote," *The Boston Globe*, (16 November 1993), A10.
- ²⁰ Berrios Martinez, Ruben, President of the Puerto Rican Independence Party, Statement before the U.S. House of Representatives Resources Committee, Subcommittee on Native American and Insular Affairs, October 17, 1995.
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- ²² Oliver, Lance, "'Status' Issue Steps Forward in Congress," *The Orlando Sentinel*, 16 September 1996, A6.
- ²³ H.R. 856, 105th Cong., Sec. 4.
- ²⁴ Alvarez, Lizette, "House Approves Measure on Self-Determination for Puerto Rico," *The New York Times*, 5 March 1998.
- ²⁵ S.Res. 279, 105th Cong.
- ²⁶ CRS, p. 30.
- ²⁷ H.R. 4751, 106th Cong.
- ²⁸ U.S. President (Clinton), "Improving Access to Services for Persons with Limited English Proficiency," Executive Order 13166, *Federal Register*, vol. 65, August 16, 2000, p. 50121.
- ²⁹ U.S. President (Clinton), "Establishment of the President's Task Force on Puerto Rico's Status," Executive Order 13183, *Federal Register*, vol. 65, December 29, 2000, p. 82889.
- ³⁰ U.S. President (Bush), "Executive Order Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status," Executive Order 13319, *Federal Register*, vol. 68, December 3, 2003, p. 68233.
- ³¹ President's Task Force Report 2005, p. 10.
- ³² *Ibid.*, p. 10.
- ³³ U.S. President's Task Force on Puerto Rico's Status, *Report by the President's Task Force on Puerto Rico's Status*, p. 5. 2007.
- ³⁴ *Ibid.*, pp. 6-7.
- ³⁵ U.S. President (Obama), "Amendments to Executive Orders 13183 and 13494," Executive Order 13517, *Federal Register*, vol. 74, Nov. 5, 2009, p. 57239.
- ³⁶ H.R. 2499, 111th Cong. Sec. 2.
- ³⁷ H.R. 2499, 111th Cong., Amdt. 622.
- ³⁸ "Political Status of Puerto Rico." *Wikipedia, The Free Encyclopedia*. Wikimedia Foundation, Inc. 8 Sept. 2010. Web. 28 Sept. 2010, citing Dr. Lynn Darrell Bender. *Puertorriquenos and americanos in Puerto Rico: Ethnic Conflict?* in "The Perplexing Hemisphere." *Revista/Review Interamericana*. Vol. XXX, No. 1-4 (2002), pp. 1-4.

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³⁹ Ibid., citing U.S. Congressman Luis Gutierrez. House Session: *United States-Puerto Rico Political Status Act*. 4 March 1998. Congressional Record. 4 March 1998. 105th Congress, Second Session. Volume 144, Issue No. 20. P. H821.

⁴⁰ Rohter, Larry, "Puerto Rico Votes to Retain Status as Commonwealth," *The New York Times*, 15 November 1993.

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⁴² U.S. Census, American Community Survey.

⁴³ Ibid.

⁴⁴ Duany, "Nation, Migration, Identity," p. 425.

⁴⁵ Ibid.

⁴⁶ Berrios Martinez. See also Weisman, Alan, "An Island in Limbo," *The New York Times Magazine*, 18 February 1990, pp. 28, 32.

⁴⁷ CRS, p. 20.

⁴⁸ Ibid.

⁴⁹ Rep. Gutierrez (IL). Quote from: U.S. Congress. Floor Speech. "United States Puerto Rico Political Status Act." (Date: 3/4/97). Available from: C-Span Video Library; Accessed 10/1/10.

⁵⁰ Amselle, Jorge, "Ingles, Si: Hispanic Parents Want What's Best for their Children and the Country." *National Review*, 11 August 1997, p. 52.

⁵¹ Ibid.

⁵² For further discussion on these and other implications, see Soifer, Dan, "Statehood for Puerto Rico and the Potential Fiscal Impact of Official Bilingualism for the United States," *Lexington Institute*, Mar. 2010; see also DePosada, Robert, "Caution Needed on Puerto Rico Statehood: The Costly, Confusing, and Contentious Repercussions of H.R. 856," *The Heritage Foundation*, Oct. 1997; see also Congressional Budget Office, *Potential Economic Impacts of Changes in Puerto Rico's Status Under S. 712*, Apr. 1990; see also Islam, Nazrul, "Economic Consequences of Statehood for Puerto Rico: A General Equilibrium Analysis," Dec. 1998;

⁵³ Oklahoma Enabling Act, Sec. 5. Provision for Public School (1906), Arizona, New Mexico Enabling Acts, c. 310, 36 U.S. Stat. 557, 568-579 (1910).

⁵⁴ Hawaii Const. Art. XV, Sec. 4.

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