



PUERTO RICO FORWARD

Episode 23: Puerto Rico's Stolen Opportunity

TRANSCRIPT

Andrew Mercado-Vázquez

Being able to contextualize historical events is crucial when trying to assess their historical value. This is especially true when talking about the politically and legally convoluted historical process of how Puerto Rico's (hereinafter PR) current political status came to be. On today's installment of Puerto Rico Forward, we'll discuss an often overlooked chapter of the archipelago's colonial history.

Any person with a minimal interest in the PR issue knows that at the center of it all lies the archipelago's colonial status. As we've covered before on this program, throughout its modern history, PR has been a colonial possession of two global superpowers: first Spain, then the United States of America (hereinafter USA or US). Although much has been written about the events that caused the archipelago's transition into US sovereignty towards the end of the 19th century, PR's political status **right before it was handed over to the US** has not received the attention it deserves; which is a pity considering how much we can learn from such an analysis. But before we can get to that, let's set the scene.

First of all, you'll notice that PR is uncharacteristically largely absent in today's discussion, and that's for good reason. You see, at the dawn of the 18th century, Spain had numerous territorial possessions, including Cuba and PR; and as we will see, the importance of the first, in terms of Spain's early economic development, would in many ways determine the future of the second. Many discussions about Spain's early possession of PR fail to provide adequate historical context because they mostly overlook how influential the Empire's management of Cuba was in settling policy for PR. To avoid making this same mistake, we must review how Spain's attitude towards Cuba changed according to its value. Author Hugh Thomas provides the following recount:

[By the mid 18th century] Cuba, unlike the mainland of South America, had never been held by Spain for the value of its exports. [...] It was a service colony kept up for the fleets carrying home the main imperial products. [...] Cuba, unlike the other Caribbean islands, as yet produced little cotton or coffee; nor had she yet been persuaded into the manufacture on a large scale of that originally

South-Pacific product for which she was to be specially renowned and in respect of which the Caribbean was already permanent, cane sugar.¹

Clearly, Spain's purely pragmatic use of Cuba as a sort of "weigh-station" reflected that it had little interest in its economic development. However, things began to change as Cuba's global-scale potential as a sugar producer became apparent. Again, we refer to Thomas:

In the seven years before 1760, official exports had averaged about 300 tons a year, with production at the most reaching 5,000 tons; between 1764 and 1769 exports were officially over 2,000 tons a year, seven times what they had been in the 1750s. In the 1770s, an average export of over 10,000 tons a year meant that Cuba was exporting officially five times what it had done in the 1760s and over thirty times what it had exported officially in the 1750s. Thereafter, Cuban sugar production rose further, [...] till in the late 1820s Cuba had become the richest colony and the largest sugar producer in the world.²

At this point, Spain sees Cuba in a new light. Being a powerhouse sugar producer brings many economic benefits to the empire. This also meant that the owners of the sugar cane plantations, known simply as *planters*, became an important and economically relevant segment of the population. Early on, the process of extracting sugar from the sugar cane plant was heavily reliant on the use of slave labor. Thomas provides a succinct and practical description of the process at the time:

These plantations had changed little since the 16th century. [...] The machinery in all these mills was of course wooden: usually three vertical rollers turning to crush [...] long stalks of cane carried by [black] slaves. The liquid thereby produced [...] was boiled in a series of 5 open copper kettles [...] of decreasing size, each tended by separate slaves, while it thickened through evaporation into syrup. [...] The syrup and its turn was poured into hogsheads, clay molds or barrels, and left there in the refining house [...] for some weeks to harden[...].³

This process, as one can see, involved a high amount slave labor in all the steps of the production process; making slavery an intrinsic part of the sugar production business. But all of this would have to change.

One of the most fundamental economic shifts of the early 19th century was the decision of many European countries to abolish the slave trade. Thomas highlights the following events:

The Abolitionist Movement in England derived from economic opposition to the West Indian monopoly, from a powerful humanitarian movement, and from a

¹ High Thomas, *Cuba: The Pursuit of Freedom* 27 (Harper & Row, 1st US ed. 1971)

² *Id.* at 61

³ *Id.* at 28

pronounced shift in general attitudes to sit in, human nature and progress. It gathered momentum from the decline in British West Indian prosperity and the shift in Liverpool commerce towards cotton and away from slaves. [...] In 1817 the Spanish government [...] was finally persuaded by the English, commercially and politically dominant in the peninsula after 1815, [to formally] abolish the slave trade as from 1820.⁴

This important development coincided with an influx of diversity and economic activity arriving to Cuba's shores, **especially from the US**. We quote Thomas again:

[F]rom 1815 an increasing tide of North American merchants reached Havana, Trinidad, Matanzas and Santiago. From Louisiana came a number of Frenchmen, as well as Spaniards.[...] US citizens were specially favored since they were free of many taxes and restrictions affecting Spaniards. [...] It was this expanding, acquisitive, wealthy and remarkably Cosmopolitan society, with slaves the most valuable item on everyone's equipment, the refugees or emigrants flocking from all over Spanish and French empires in America, which has to Bear the formal ban on the slave trade in 1820.⁵

Of course, although a ban on slave trade had been appropriately issued, enforcing that ban was a different matter all together. As history now tells, Spain had little desire or ability to accomplish such a task. Thomas offers the following reasoning:

The Spanish government was too weak and too far away to insist on execution of the ban in 1820 [...]. The government in Spain had indeed too much on hand in those years, with the formalization of Latin American independence; Peru was declared independent in July 1821; in September a declaration was issued setting up the United Provinces of America; in May 1822, Mexico became independent; while, in the same month, the U.S. recognized these declarations.⁶

Although hardly if ever imposed, the ban of slave trade was enough of a hindrance for many planters to seek a new path towards securing their slave force: a closer relationship to the US. Thomas provides clarity on this issue:

This did not mean precisely that the planters now wished to join the U.S. They preferred the *status quo*. But to preserve slavery (the essence of status quo), they would have liked more to join the Union than to become independent; and in

⁴ *Id.* at 93-94

⁵ *Id.* at 98

⁶ *Id.* at 99

1820 [...] they would have wished to join the Union if Madrid had insisted that they honor their agreement with the English to ban the slave trade.⁷

Such was the desire to secure access to slave labor that in September of 1822, a group of planters actually sent a representative to the US Congress with an offer of annexation as a state of said Union.⁸ Although ultimately Congress decided not to make a move in that direction, that does not mean that there wasn't a strong desire in the US to maintain close ties with, if not acquire, Cuba. As a matter of fact, in a letter sent to the US minister in Spain, John Quincy Adams stated the following:

Cuba ... has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position... its safe and capacious Harbor of the Havana... the nature of its Productions and of its wants... give it an importance in the sum of our national interest with which that of no other foreign territory can be compared and little inferior to that which binds the different numbers of this Union together... It is scarcely possible to resist the conviction that the annexation of Cuba to our federal Republic will be indispensable to the continuance and integrity of the Union itself.⁹

This interest in the Cuba-US relationship comes to no surprise when one considers that "...since 1818, (when indiscriminate commerce was finally permitted with other nations) foreigners had been buying interest in Cuban sugar as well as establishing themselves as merchants. Many Americans and some Englishmen had plantations."¹⁰ But as the sugar industry grew in Cuba, so did the unrest felt by many in regards to the Spanish territory's subordinate colonial status.

Among those who wanted a status change was José Francisco Lemus, a Cuban republican and high-ranking officer in the Colombian Army of Independence.¹¹ This movement was mostly found appealing by students and poor white Cubans,¹² who were urged by Lemus to join forces with Cuba's black population, both slave and free.¹³ Although Lemus' intention was to provoke an uprising that would secure a change in status and a constitutional government in Cuba, his efforts were ultimately foiled. Lemus was captured and imprisoned, along with most of his lieutenants, on August 1st, 1823. Spain's reaction to the independence movement was substantial. Thomas provides the following summary:

⁷ *Id.* at 99-100

⁸ *Id.* at 100

⁹ *Id.* at 100-101

¹⁰ *Id.* at 140

¹¹ *Id.* at 101

¹² *Id.* at 101

¹³ *Id.* at 101

In April 1826 a decree forbade the import of books which opposed the 'Catholic religion, monarchy, or which in any other way advocated rebellion [...]. A few more conspiracies spluttered in 1826 and 1827. They were smashed, their leaders hanged. Forty thousand Spanish troops thronged Cuba and the country swarmed with government spies and informers. [...] Cuba was an armed Camp. Martial law lasted in effect fifty years.¹⁴

Despite this hostile climate towards Cuban independence movements, some of the newly established nation-states of South America fostered a willingness to support an independence movement, not only in Cuba, but in PR as well.¹⁵ This news was not well received by the US. So much was the US's resistance to the idea of independence in Cuba and PR that in April of 1825, U.S. secretary of state Henry Clay made the following announcement: "This country [the US] prefers that Cuba and Puerto Rico should remain dependent on Spain. This government desires no political change in that condition."¹⁶ Secretary Clay's words, together with the historical facts and circumstances, reveal that the US did in fact have a real and definite desire to keep a clear path for the possibility of Cuba becoming a state¹⁷ and PR a colonial possession.

In essence, the US was playing *the long game*. Instead of trying to snatch Cuba and PR from Spain, it would simply wait for its grip to be loosened to the point that it could be acquired from Spain without effort. As a result of this plan, the US **could not allow** for Cuba or PR to fall into the hands of any other nation-state, much less allow independence. This strategy would remain a guiding factor in US-Spanish policy for the remainder of the 19th century.

Between the 1830's and 1890's much occurred in relation to the Spain-Cuba-US triangle. It would be nothing short of an intellectual offense to attempt to cover such a broad and important time frame in what remains of this episode. Not only do such events deserve a proper in-depth discussion, but also they fall beyond the scope of today's subject matter. That said, one historical figure in particular is so prominent that his influence in Cuban history is inescapable: José Martí. Now, as often happens with historical figures, Martí's influence in Cuba's history is the object of admiration for some, and disdain for others. Today I will neither praise nor condemn Martí's actions, but rather present the facts related to him as they pertain to Cuba's history.

Born Havana Cuba on January 28th, 1853, Martí is mostly known as a founding member of the *Cuban Revolutionary Party*. A quick visit Britannica's website reveals simple biography that is adequate for our needs:

¹⁴ *Id.* at 102-103

¹⁵ *Id.* at 103-104

¹⁶ *Id.* at 104

¹⁷ *Id.* at 104

Educated first in Havana, Martí had published several poems by the age of 15, and at age 16 he founded a newspaper, *La Patria Libre* (“The Free Fatherland”). During a revolutionary uprising that broke out in Cuba in 1868, he sympathized with the patriots, for which he was sentenced to six months of hard labour and, in 1871, deported to Spain. There he continued his education and his writing, receiving both an M.A. and a degree in law from the University of Zaragoza in 1874 and publishing political essays. He spent the next few years in France, in Mexico, and in Guatemala, writing and teaching, and returned to Cuba in 1878.

Because of his continued political activities, however, Martí was again exiled from Cuba to Spain in 1879. From there he went to France, to New York City, and, in 1881, to Venezuela, where he founded the *Revista Venezolana* (“Venezuelan Review”). The politics of his journal, however, provoked Venezuela’s dictator, Antonio Guzmán Blanco, and Martí returned that year to New York City, where he remained, except for occasional travels, until the year of his death. [...]

In 1892 Martí was elected *delegado* (“delegate”; he refused to be called president) of the Partido Revolucionario Cubano (“Cuban Revolutionary Party”) that he had helped to form. Making New York City the centre of operations, he began to draw up plans for an invasion of Cuba. He left New York for Santo Domingo on January 31, 1895, accompanied by the Cuban revolutionary leader Máximo Gómez and other compatriots. They arrived in Cuba [...] on April 11. Martí’s death a month later in battle on the plains of Dos Ríos, Oriente province, came only seven years before his lifelong goal of Cuban independence was achieved.¹⁸

This last event in particular, known more commonly as the *Cuban War of Independence*, is for our purposes, the most relevant aspect of his life. Although the war only lasted up to 1898, it coincided with an overall weakening of Spain’s economy and global dominance. As a result, the Cuban War of Independence was a primary motivator in a very drastic pivot in Spain’s administrative policy towards its colonial possessions.

As the *Cuban War of Independence* roared on, a new administration came to power in Spain. On October 4th, 1897, Práxedes Sagasta became the Prime Minister of Spain; his sixth term. Again, we resort to Britannica or a succinct biography:

Born into a family of modest means, Sagasta became an engineer. He was exiled twice for opposing Queen Isabella II’s rule but returned in 1868 to help in the revolution that overthrew her. From 1880 he led the new Liberal Party. His

¹⁸ Adam Augustyn et al., José Martí <https://www.britannica.com/biography/Jose-Martí#ref72943> (last visited Oct. 13, 2019)

attempt to conciliate both the Cubans and the United States by a tardy offer of Cuban home rule, along with other concessions, did not avert the disastrous Spanish-American War, and Spaniards criticized him for the humiliating peace treaty.¹⁹

Sagasta's term as Prime Minister was vital in altering, not only the Spain-Cuba relationship, but the Spain-PR relationship as well. One of the most noteworthy appointments made by Sagasta was that of Segismundo Moret y Prendergast as *Minister of Overseas Colonies*. Again we quote Britannica for a basic introduction:

He was educated at the Central University, Madrid, and became professor of political economy, continuing at the same time his studies in jurisprudence. In 1863 he was elected Liberal deputy for Almaden and took part in the revolution of 1868, afterwards representing Ciudad Real in the Constituent Assembly of 1869 and becoming noted for his eloquence. [...] He was again elected deputy for Ciudad Real in 1879, rallied to the monarchy in 1882, represented Orgaz from 1886 to 1890, was Minister for Foreign Affairs under Sagasta in 1885 and again in 1893-4, Minister of the Interior 1885-8, and Minister of Colonies 1897. In this capacity he advocated the grant of autonomy to Cuba and Porto Rico, and he was opposed to the war with America of 1898.²⁰

One of the most striking facts about Moret is his belief in granting a high level of autonomy to Cuba and PR, an opinion that found close to no sympathy before 1897. Now, however, Sagasta was appointing Moret to do precisely that. What changed? Where did this sudden change in policy come from? Professor Carmelo Delgado Cintrón provides the following explanation:

Before 1895 and 1897, neither the Cánovas nor the Sagasta administrations favored the idea of granting autonomy [to Cuba or PR]. If one thing is clear about the promises made by the Spanish government in regards to issuing reforms for Cuba and PR, it's that said promises were false and not one was made in good faith; which resulted in the inhabitants of the greater Antilles developing a high amount of suspicion and wariness whenever the government made reformist declarations. However, now the situation had changed because of the US's express intention to intervene [...]. Sagasta believed that affording autonomy would appease the Cuban people and calm the North Americans [...]. [...] There can be no doubt that the autonomy plan, an attempt to resolve a complex

¹⁹ Adam Augustyn et al., Práxedes Mateo Sagasta <https://www.britannica.com/biography/Praxedes-Mateo-Sagasta> (last visited Oct. 13, 2019)

²⁰ Hugh Chisholm, THE ENCYCLOPÆDIA BRITANNICA: A Dictionary of Arts, Sciences, Literature and General Information 982 (Encyclopaedia Britannica, 1922) <https://archive.org/details/encyclopaediabri31chisrich/page/982>

international problem, was the result of pressure from the US [...].²¹ (*Translation our own from Spanish*)

As this pressure mounted, statesmen in PR began a heavy lobbying campaign in favor of including the archipelago in Spain's agenda of autonomy. One of them being one of the most influential figures in Puerto Rican politics: Luis Muñoz Rivera. Once again, Britannica provides us with much needed background:

[Luis Muñoz Marín was a] statesman [and] publisher [...] who devoted his life to obtaining Puerto Rico's autonomy, first from Spain and later from the United States. In 1889 Muñoz Rivera founded the newspaper *La Democracia*, which crusaded for Puerto Rican self-government. He became a leader of the autonomist parties, and in 1897 he was instrumental in obtaining Puerto Rico's charter of home rule from Spain. He soon became secretary of state and later president of the first autonomist cabinet. He resigned in 1899 after the United States put an end to Puerto Rico's short-lived home rule. Spending the remainder of his life primarily in the United States, Muñoz Rivera continually advocated the cause of Puerto Rico's autonomy. In 1910 he became Puerto Rico's resident commissioner in Washington, D.C.²²

As we can see, one of Muñoz Rivera's main historical accomplishments was his involvement in obtaining a *charter of home rule* from Spain. And here, my friends, lies the whole point of today's episode. This so called "charter of home rule" (hereinafter Charter), or *Carta Autonómica*, as it's more commonly known in Spanish, was a truly watershed moment for the archipelago.

The Charter did something that had never been done to PR before: it endowed the archipelago with a high level of legal autonomy in a variety central issues. Certainly, it was not a proclamation of independence; nor was it an annexation project; but rather an extensive reform of PR and Cuba's colonial condition; the scale of which would never be seen again. Professor Efrén Rivera Ramos provides the following description of the charter:

... [I]n 1897, the Spanish Crown granted Puerto Rico a charter of home rule [...]. The Charter, which applied to both Cuba and PR, provided for the continued representation of Cubans and Puerto Ricans in the Spanish Courts, but also established equal rights between Spaniards and the inhabitants of the greater Antilles, universal suffrage, and authorized the establishment of an insular

²¹ 2 Carmelo Delgado Cintrón, *Historia Constitucional de Puerto Rico. 1800-2012* 400-401 (Derecoop, Escuela de Derecho Universidad de Derecho de la Universidad de Puerto Rico, 1st ed. 2012)

²² Adam Augustyn et al., Luis Muñoz Rivera <https://www.britannica.com/biography/Luis-Munoz-Rivera> (last visited Oct. 13, 2019)

parliament together with a parliamentary government with its own body of ministers. It kept, however, the position of Captain-General as representative of the Crown and supreme authority. The Charter delegated to the local insular government decision-making power in regards to all such subjects that were not held to the express discretion of the Spanish Courts. It also granted the insular government authority to participate and intervene in the formation of international commercial treaties that would directly effect the [archipelago]. [...]

[In Puerto Rico] [t]he new Insular Parliament was inaugurated on July 17th, 1898. Its first session was celebrated two days later, with the Spanish-American war already in progress. Few days later, on July 25th of that same year, North American troops invaded Puerto Rico; sealing the fate of the newly inaugurated autonomy regime.²³ (*Translation our own from Spanish*)

In the specific case of PR, apart from the above mentioned alterations to its colonial reality, the Charter also allowed for the Insular Government to propose to the central government changes to the Constitution and request the approval of new laws or decrees that would be in the best interest of PR.²⁴ Also, the Insular Parliament was endowed with the ability to create new courthouses staffed with Puerto Rican judges, approve the local budget without limitation, establish the desired customs duty for imports and exports on goods from and to PR, among other provisions.²⁵ Perhaps most importantly, the archipelago was able to, not only participate in the drafting of commercial treaties that affected it, but it could also initiate the negotiation process and unilaterally accept or reject the application treaties that affected it that were approved by Spain but did not count with the Insular Parliament's participation.²⁶

Unfortunately, this pseudo-colonial structure was never properly tested since it was nipped at the bud by the US invasion. As a result, PR never had a real chance at testing itself in the international arena with decision making powers on the most determining economic aspects of a nation.

It's truly striking to consider just how far back PR's governmental powers fell when it became a colonial territory of the US. Even today, PR enjoys far less autonomy than it did 120 years ago. Currently, PR cannot initiate the negotiation of an economic treaty with another country; much less determine which apply to it. PR no longer even has the power to approve its own budget without the approval of the Financial Oversight and Management Board. Perhaps

²³ Efrén Rivera Ramos, *El Alcance de la Autonomía Política de Puerto Rico* 15-21 (Parlamento de Cataluña, 2005), as reprinted in José Julián Álvarez González, *Derecho Constitucional de Puerto Rico y Relaciones Constitucionales Con los Estados Unidos* 8 (Editorial Temis S.A., 2010)

²⁴ *Supra*, note xxi at 450

²⁵ *Id.* at 450-451

²⁶ *Id.* at 450

most importantly, PR is not able to determine what tariffs apply to imports or exports. These are some, if not the most important variables in planning long-term economic policies. In the absence of some control over these variables, the amount of influence one has on the economy is greatly reduced and limited.

Without a doubt, the fact that PR is now more colonially backwards than it was over a century ago is a testament to the degrading and future-stealing nature of a colonial status. Under the US flag, not only has PR remained a territorial colony, but was also robbed of the one chance it had in its history to have some decision making power over its future. The fact that PR has suffered such a retrogressive program in the hands of the US should not only be a source of shame for said nation as a whole, but also a source of rage for every voting and conscious-bearing American in the US.