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FEDERALISM RESEARCH: BIBLIOGRAPHIES

At this year's CFS meeting, members expressed an interest in obtaining bibliographic information on federalism research. As a first response, I would like to draw the reader's attention to several bibliographies which I have found particularly helpful.

The most recent bibliography with the broadest geographic coverage and clearest classification of topics is: Federalism and Intergovernmental Relations in Australia, Canada, the United States and Other Countries: A Bibliography compiled by Albert A. Liboiron (Institute of Intergovernmental Relations, Dunning Hall, Queen's University, Kingston, Ontario, 1967). Coverage is most complete for Canada (87 pages of unannotated references), Australia and the United States. Other countries--each having 3-4 pages of references--include: India, Malaysia, Nigeria, Pakistan, Rhodesia and Nyasaland, Switzerland, U.S.S.R., West Germany, and the West Indies. Reference topics include: federal government (formation; constitutional interpretation and amendment, administration, and economic and fiscal policy), state government, federal-state relations, municipal government, and state-local relations.

Another useful source with broad geographic coverage is Federation in the Commonwealth: A Bibliography in Commentary, 1963 edited by William Livingston (Hansard Society, 162 Buckingham Palace Road, London). Although out-of-print, this is a useful annotated research aid for basic references and should be available in most major libraries.

In addition to these two comparative bibliographies, there are many single country bibliographies which focus directly on federalism or which indirectly cover this topic through related classifications (such as intergovernmental relations, state government and the like).

For the United States, the Center has recently published Intergovernmental Relations in the United States: Selected Books and Documents on Federalism and National-State-Local Relations by Deil S. Wright and Thomas E. Peddicord (1974). For Canada, there are several sources in addition to the bibliography compiled by Liboiron. Selected references on intergovernmental relations and provincial-urban policy can be found in Urban and Regional

References, with yearly supplements after the first volume. The first volume contains 1700 entries for the period 1945-1962 (Canadian Council on Urban and Regional Research, Suite 511, 151 Slater Street, Ottawa). In addition, given the Canadian research structure, one can use the indices of two journals--Canadian Public Administration Review and Canadian Journal of Political Science--as bibliographies of a sort. For West Germany, references on federalism can be found in Udo Bermbach, et al., Hamburger Bibliographie zum Parlamentarischen System der Bundesrepublik Deutschland 1945-70 (Opladen: Westdeutscher Verlag, 1973), pp. 265-291.

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Stephen Schechter
Center for the
Study of Federalism

THE FUTURE OF COMMONWEALTH

DR. JAIME BENITEZ
RESIDENT COMMISSIONER OF PUERTO RICO

Introduction

July 25, 1972 marked the 74th anniversary of the landing of American troops in Guanica, Puerto Rico, pursuant to the fortunes, adversities and vagaries of the Spanish American War of 1898. It also marked the 20th anniversary of the organization of the Commonwealth of Puerto Rico as a juridical and operational reality "freely and permanently associated with the United States."

Under the Commonwealth status 2,700,000 United States citizens of Latin American origin face, in relative peace and within the democratic process, lasting and pressing questions of cultural readjustment, change, rapid and autonomous development, vertiginous social mobility, technology, alienation, freedom, double and at times seemingly irreconcilable loyalties. Under the Commonwealth status, indeed under the social, economic, cultural, political policies which led to Commonwealth and which have kept Commonwealth going, the Puerto Rican community has progressed dramatically, improving all its indexes of well-being, health, education, productivity, and income at a pace comparable only to that of Israel, Japan, and Italy. But material progress is not by itself a final answer.

What is Commonwealth? Does it provide a permanent, political structure of relationships, that with some modifications may be fully satisfactory to Puerto Ricans, and to the United States, embodying "a decent regard for the opinion of mankind?" Should it and will it last? Are there other Commonwealth situations in fact, if not in name, elsewhere? If so, how do they resemble and how do they differ from the Estado Libre Asociado de Puerto Rico (to use the Spanish denomination approved by the Puerto Rican Constitutional Convention of 1952?

Why is it so important to structure a relationship that has "a decent regard for the opinion of mankind?" in addition to the obvious reason it should be indicated that at its 1953 session, the General Assembly of the United Nations exempted the United States from reporting on the educational, social and economic conditions of Puerto Rico

as required by Act 73 of the Charter:

"All members having a responsibility for the administration of territories whose peoples have not yet attained a full measure of self-government."

This adjudication did not end the debate concerning the legitimacy or adequacy of Commonwealth in Puerto Rico or in the United Nations. It raises the question of whether such a debate is a permanent and necessary feature of Commonwealth.

Eleven years later--and at the initiative of the Puerto Rican Legislature--the Congress, the President of the United States, the Legislature and the Governor of Puerto Rico participated in setting up a United States-Puerto Rican Commission to study and make recommendations concerning the political status of Puerto Rico. The Commission's Report deplored the persistence of a 65 year old debate, found Commonwealth a political solution of equal dignity with Statehood or Independence, and recommended a plebiscite to determine future orientation status-wise.

The plebiscite held on July 23, 1967 favored continuation and improvement of Commonwealth. While the plebiscite strengthened the political legitimacy of Commonwealth, it did not end or diminish the status debate.

Existing Studies on Commonwealth

Existing studies on Commonwealth deal exclusively or primarily with its achievements and failings within the local scene. They have examined its merits and demerits: its "unique" or "peculiar" character within the pattern of American Constitutional Law; its colonial, neo-colonial or post-colonial nature, all, in the light of traditional definitions of sovereignty, national state, federal unions. The Estado Libre Asociado is dismissed frequently as an isolated, temporary departure from established norms, perhaps an expeditious way-station on the road towards Statehood or Independence.

This project would explore the correlations, similarities and differences of Commonwealth with political, economic and cultural developments and trends elsewhere where similar language, religious, cultural, and ethnic developmental problems prevail.

The project aims to study the Puerto Rican experience as an imperfect, pragmatic, evolving but none-the-less firm and lasting middleway; one which will probably remain for the future as it is for the present, essential to the welfare, liberty, progress, cultural and political autonomy as well as to the stability of Puerto Rico. It is assumed that once the range of vision is projected beyond the United States and Puerto Rico, Commonwealth is neither "unique" nor "peculiar." Instead, Commonwealth becomes an outstanding contribution to one of the most difficult and tense issues facing many other communities throughout the world: the issue of survival despite deep and meaningful differences within itself and beyond its boundaries. The goals are to achieve the highest degree of freedom and of self-realization to avoid isolation and absorption; to maintain a basic equilibrium within itself, a loyal and fruitful cooperation within a wider political unit and a satisfactory and free interrelation with other communities. Are these goals achievable? Does Commonwealth facilitate their achievement in Puerto Rico? Does Commonwealth facilitate their achievement elsewhere?

A brief outline of the project itself is attached.

PROJECT OUTLINE

I. The Status of Commonwealth

- A. Brief historical background.
- B. Present economic, industrial, educational, political, constitutional realities.
- C. Nature of Puerto Rico's relationships and attitudes vis-a-vis U.S., the Caribbean, Latin America, Spain, and the rest of the world.
- D. Centripetal forces, e.g. economic factors, labor mobility, cultural (e.g. contacts with U.S. educational/scientific structures and funding), historical cultural value of Puerto Rico to the United States.
- E. Centrifugal forces, e.g. language, religion, position and attitudes of Puerto Rican emigrants to the mainland. Latin American attitudes toward the U.S., and the problem of "double identity" (cultural) of Puerto Rican intelligentsia.

II. Pluralism in Other Parts of the World

In a second phase, the study would examine pluralistic experiences in other parts of the world, including the existence of similar centrifugal/centripetal forces and the institutional arrangements which have emerged. This could be done by a combination of literature surveys, interviews and (possibly) written contributions from leading personalities in the areas concerned.

- A. I would suggest that emphasis be placed on three successful experiences:
 - Switzerland (also the Romansh group, which has cultural but not political identity);
 - Yugoslavia;
 - Italy (development of "autonomous regions" - South Tyrol, Aosta, Sardinia, Sicily).
- B. Then I would look at some current conflict areas and at least survey trends, claims and current situation in:
 - Canada (Quebec);
 - Spain (Catalan and Basque movements);
 - Belgium (Wallon/Flemish).

- c. I would also briefly survey the France/North Africa development, with the major problems brought about by political independence combined with economic dependence.
- d. The study could also, briefly, cover the position of mini-states in Europe (illusion of sovereignty?) Monaco, Andorra, Liechtenstein, San Marino.
- e. Lastly, I would look at some of the recent trans-national conglomerates or integration models, and their guarantees of local autonomy:
 - European Economic Community;
 - British Commonwealth (especially contemplating UK membership in the EEC);
 - Council of Europe (cultural links).

III. A Puerto Rico/U.S. Model

In its concluding part, the study would bring to bear current and projected Puerto Rico/U.S. trends, as well as foreign pluralistic experience, on the specific features of a model (or models) of future Puerto Rico relations, e.g.

- a. political participation
- b. law, legislative and judicial processes
- c. education
- d. cultural identity
- e. foreign relations (regional/international; general/special, e.g. cultural)
- f. economics.

IV. The Potentials of Federalism: Flexibility in the U.S. and Elsewhere

At this point I wish to quote from two unrelated and preliminary memoranda already submitted: the first by an American political scientist; and the second by a Spanish philosopher.

1. "Despite increasing awareness of the social factors modifying formal federalism, there has been little attention paid to an even more significant flexible aspect in federal processes. There are also a number of instances where some new form has been devised which is in essence federal but which does not conform to the historic nation-state division of identical sovereignties on an identical basis. Practice has run ahead of theory in this line; the argument for federalism clearly is that some aspects of sovereignty are better handled locally, some nationally. But the early writers on federalism were so influenced by the

eighteenth century notion of the unvarying state that they failed to take account of another point: Once we grant locality and community, as significant qualifiers to the authority of the central structure, we ought to raise the next question: Should the central government function in the same way, even formerly in regard to each province and each area? As Grodzins and the Canadians above referred to have shown, in reality, the lines of division may well have been different, even though the form is the same.

2. "The founders and theorists of the Puerto Rican Commonwealth idea, for the most part perhaps without realizing what they were doing, are willing to answer the question just posed: 'The formal nature of the relationship between the local or federal government and its several parts may vary where there is a significant difference in social structure between one of the provinces and most of the others.' Now, of course, as with most political inventions, practical considerations played a part in creating this point of view; nevertheless the basic statute and its various corollaries do indeed create a portion of the United States which in fact exercises in some respects more sovereignty than the fifty states (while at the same time in certain respects its citizens exercise less sovereignty).

"Some students of Puerto Rican affairs describe the Commonwealth as a way for Puerto Ricans to 'eat their cake' (have autonomy and, for instance, exemption from the U.S. tax) 'and have it too...' (the advantage of being part of the U.S. market social security system etc.) I prefer to say that while the 50 states have baked one sort of cake, or had it baked for them, we have baked a slightly different sort of cake; and our cake may be better for us, theirs for them."

"...It is, of course, equally important for us in Puerto Rico that our friends in the United States, in official and non-official positions, come to see that we are not merely dealing here with a pragmatic expedient but with the general possibility of flexibility in federalism. (Incidentally, it would be interesting and valuable to get scholars familiar with the situation of Newfoundland, which in some respects bears a relationship to Canada, somewhat similar to that of Puerto Rico to the U.S.A., but which chose full membership in the Canadian Confederation in 1947, to help us contrast the two provinces)."