

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

JAN 20, 1960

Males

Dear Senator Murray:

There is pending before your Committee S. 2708, a bill "To provide for amendments to the compact between the people of Puerto Rico and the United States."

S. 2708 is a revision of a predecessor bill of the same title, S. 2023. It is an improvement in many respects. For example, Article IV(a) is changed to eliminate any possible interference by this legislation with the quota system of the Sugar Act. Article IV(f) deletes the language contained in S. 2023 placing upon the President the burden of making a finding that the "general interests of the United States" require him to reject a request by the Commonwealth for the exclusion of Puerto Rico from a trade agreement. Article VII (dealing with the transfer to Puerto Rico of lands under inland navigable waters, submerged lands, etc.) has been rewritten so as to preserve the express authority of the United States over navigation on inland waters, as well as over harbors and inlets. Article XIII(c) deletes the (probably unintended) requirement of S. 2023 that all jurors know Spanish, even in proceedings conducted in English. Other improvements over S. 2023 could be cited.

As to S. 2023, in a departmental report to you dated September 11, 1959, we refrained from taking a position on the detailed changes proposed in the bill. In that report we endorsed certain of the general objectives and then made one positive recommendation -- that the question of Puerto Rico's future status be left open, so as not to interfere with the freedom of decision of the people of Puerto Rico, in choosing their ultimate destiny, within the limits of the Federal Constitution. We pointed out that the language of the proposed new title of the basic law governing Puerto Rico's relationship with the Federal Government, i.e., "The Articles of Permanent Association of the people of Puerto Rico with the United States," seemed designed to foreclose any further consideration of the status question. A number of other provisions of the bill seemed to point in the same direction. We therefore recommended that the language should be amended to preserve Puerto Rico's freedom of choice.

These views seem appropriate to S. 2708 as to S. 2023.

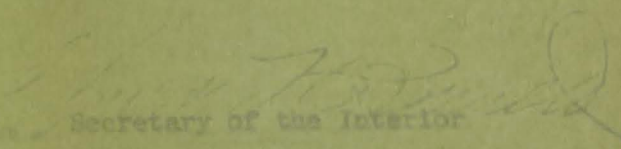
We now suggest that consideration also be given to the effect upon Puerto Rico's ultimate freedom of choice, of the various economic, financial, and administrative changes proposed in S. 2703. See for example the provisions in Articles III(d), IV, and VI.

A word should also be said about the possible effect on the status question of the new proposal contained in Article XVI, which would provide that, at a future date contingent upon the growth of the per capita income of Puerto Rico, tax exemptions and peculiar financial advantages now enjoyed by Puerto Rico may be terminated by Congress, and the whole "terms of association" may be reviewed. It is the implication of this section that the Commonwealth status is not frozen permanently, but the section also implies that any consideration of a change in status must be postponed for many years. It amounts, therefore, to a status freeze for at least a temporary but substantial period, and should be considered in that light.

We have previously expressed the view that, in the words of Elihu Root, the "interests of the people over whom we assert sovereignty (should be) the first and controlling consideration". We believe these interests require that the people of Puerto Rico ultimately make a decision as to the path they wish to pursue. We have no information that they wish at this time to make such a final decision. Until they do, we do not consider it right by any action of this Government to confront them with a choice they are not now prepared to make.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your Committee.

Sincerely yours,


Secretary of the Interior

Hon. James E. Murray
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington 25, D. C.