

JULY
25^{th.}



CONSTITUTION DAY
Commonwealth of Puerto Rico

THE COMMONWEALTH OF PUERTO RICO: ITS HISTORY AND ITS SIGNIFICANCE

On July 25, 1952, the people of Puerto Rico assumed self-government, in voluntary association with the United States. On that day, a new constitution took effect, created by the elected representatives of the people. By a compact between the people of Puerto Rico and the United States, Puerto Rico became a Commonwealth within the American Union.

The General Assembly of the United Nations formally recognized the passage of Puerto Rico from territorial to self-governing status. On November 27, 1953, Puerto Rico was removed from the list of Non-Self-Governing territories. (See Appendix IV)

Commonwealth status is a new departure in modern political history, but it is not the first experience of the Puerto Rican people with self-government.

In 1897, after years of arduous political struggle, Spain granted a substantial measure of self-government to the island. An elected parliament functioned under a Governor General appointed by the Crown. Puerto Rico was given representation in the Spanish parliament.

The plan was short lived. American troops occupied Puerto Rico in 1898 in the wake of the Spanish-American War. But the Puerto Rican people had clearly demonstrated their ability and willingness to govern themselves.

From 1898 to 1900, a U. S. military government ruled the island. In 1900, Congress passed the first Organic Act for Puerto Rico, creating a civil government, with limited

participation by the people. A second Organic Act in 1917 made the people of Puerto Rico United States citizens and gave them a larger share of government.

It was not until shortly after World War II, however, that Puerto Rico won the right to elect its own governor. Luis Muñoz Marín took office in 1949 as the first governor chosen directly by the people.

Upon the urging of the Puerto Ricans themselves, and guided by conscientious leaders, Congress passed Public Law 600 in 1950. The law recognized the right of the people fully to govern themselves. A constituent assembly was called and a constitution drawn up. Congress approved it and on July 25, 1952, the Commonwealth was born. (See Appendix I)

Significantly, Public Law 600 describes the relationship between the United States and Puerto Rico as "in the nature of a compact." As such, it cannot be changed unilaterally. It is, however, a flexible agreement which can be amended and clarified as conditions demand. It is at the same time, a firm pledge on the part of two peoples to respect the dignity of each other, while sharing common citizenship, currency, defense and foreign relations.

The Constitution of Puerto Rico is modelled after that of the United States. It is unequivocally democratic; its guarantees of rights and freedoms are even more explicit than those of the Federal Constitution. It specifically recognizes, for instance, the right to work and the right to strike. (See Appendixes II & III)

Two cultures and two great bodies of law — the Spanish and the Anglo-Saxon — meet in the Constitution of Puerto Rico. Nevertheless, the document, and particularly its preamble, stand in the same tradition of human freedom and dignity sired by the Constitution of the United States. The preamble reads in part:

"We consider as determining factors in our life our citizenship of the United States of America and our aspiration

continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles."

WHAT THEY SAY ABOUT PUERTO RICO AND ITS COMMONWEALTH STATUS

EISENHOWER, DWIGHT D.
President of the United States,
July 24, 1953.

"The union which we share will endure because it is founded on freedom. Time may bring changes in the outward forms and expressions. But they shall ever be expressions of the mutual trust and mutual friendship binding us to-day and always."

EISENHOWER, Milton
Personal Representative of the
President of the United States,
Commonwealth Day,
July 25, 1958:

"The form of freedom which Puerto Rico has designed in the Commonwealth status is proving to be a significant contribution to man's historic quest for freedom; it has enlarged frontiers in the realm of ideas, political science, and geography. It represents, in a compact with the Federal Government, an enduring union between the people of the Commonwealth and their continental fellow-citizens — a union which is mutually satisfactory and beneficial."

NIXON, Richard M.
Vice-President of the United States,
April 11, 1955.

"Puerto Rico, in my opinion, is the absolute refutation to all the Communist propaganda about the United States as an oppressive, imperialist power..."

WARREN, Earl V.
Chief Justice,
Supreme Court of the U. S.,
February 4, 1956.

"In the sense that an American system is not static, in the sense that it is not an end but the means to an end—

in the sense that it is an organism intended to grow and expand to meet varying conditions and times in a large country—in the sense that every governmental effort of ours is an experiment—so the new institutions of the Commonwealth of Puerto Rico represent an experiment—the newest experiment and perhaps the most notable of American governmental experiments in our lifetime.”

MAGRUDER, Calvert
Presiding Justice,
First Circuit Court of Appeals (Boston),
April 30, 1953.

“The record of our dealings with the people of Puerto Rico affords an eloquent and favorable contrast to the rough treatment which Soviet Russia has given to helpless peoples within its power and grasp—a contrast which will not be lost upon the rest of the world, particularly upon our Latin-American neighbors in Central and South America, if they but learn the facts.”

NEW YORK TIMES, Editorial
February 22, 1958

“Puerto Rico is a show window whose experience has far more meaning to poorer lands seeking better living than the complex operations of the wealthier United States. Puerto Rico helps itself; it also helps others.”

BADR-EL-DIN, Dr. Mohamed Ali
Director of the Demonstration Center,
Calyub, Egypt,
May 25, 1956.

“The important thing here is not the housing program, or the cooperative program or the health program, but the social innovations through which a small and poor society has been able to coordinate and make effective, all such programs.”

SIR HUGH FOOT,
Governor of Jamaica,
July 25, 1956.

“We have so much to admire... Of all the things we have to learn from you let me refer to two which are, I believe, the most important of all.

“First you teach that freedom is not a negative thing of narrowness or isolation, but a freedom to associate with others, a freedom of genuine brotherhood with free men everywhere.

“Secondly you teach us to welcome and rejoice in change and experiment — in the need to find and test new solutions for problems, in the need to be ‘constantly creative’.”

SEARS, Mason
United States Representative
in the United Nations,
August 28, 1953.

“A most interesting feature of the new constitution is that it was entered into *in the nature of a compact* between the American and the Puerto Rican people.

“A compact, as you know, is far stronger than a treaty.

“A treaty usually can be denounced by either side, whereas a compact cannot be denounced by either party unless it has the permission of the other.

“This point has been particularly emphasized by Senator Butler of Nebraska who was a principal co-sponsor of Public Law 600.

“Senator Butler has gone on record to the effect that the Commonwealth of Puerto Rico has been created by a compact which may not be amended or abrogated by either side alone.

“In addition to Senator Butler’s statement, we have a ruling from the U. S. District Court for Puerto Rico, which is a U. S. Court and not a Puerto Rican Court.

"This Court stated, and this is a direct quotation: 'As a necessary legal consequence of said compact, neither the Congress of the United States nor the people of Puerto Rico can unilaterally amend Public Law 600 nor the Puerto Rican Federal Relations Act without the consent and approval of the other party to the compact.'"

SMATHERS, Hon. George
U. S. Senator for Florida,
July 25, 1956.

"In accordance with this formula, (Puerto Rico's) bond with the United States does not mean incorporation into the Union, but rather an association with the Union by solemn compact. Of course, it is not separation. Under the aegis of a common citizenship, they maintain a voluntary association with the United States."

MILLER, Hon. A. L.
U. S. Representative for Nebraska,
July 26, 1954.

"The present relationships of Puerto Rico with the United States are the result of common consent. Naturally, they may change with changing conditions, but they will continue to be the result of mutual agreement."

MUÑOZ MARIN, Luis
Governor,
Commonwealth of Puerto Rico,
February 14, 1958:

"Commonwealth status, in my considered judgment and irrevocable conviction, is the best and surest possible guarantee of our permanent ties with the great American Union with which we are associated through two noble and great moral forces: our citizenship and our freely expressed desire to remain forever in that association."

APPENDIX

I

UNITED STATES OF AMERICA

(PUBLIC LAW 600 — 81st. CONGRESS)

(Chapter 446—2nd. Session)

(S. 3336)

Approved July 3, 1950

An act to provide for the organization of a constitutional government by the people of Puerto Rico.

WHEREAS the Congress of the United States by a series of enactments has progressively recognized the right of self-government of the people of Puerto Rico; and

WHEREAS under the terms of these congressional enactments an increasingly large measure of self-government has been achieved: THEREFORE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, fully recognizing the principle of government by consent, this Act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

Section 2.—This Act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this Act, by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico. The said constitution shall provide a republican form of government and shall include a bill of rights.

Section 3.—Upon adoption of the constitution by the people of Puerto Rico, the President of the United States

is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of this Act and of the Constitution of the United States.

Upon approval by the Congress the constitution shall become effective in accordance with its terms.

Section 4.—Except as provided in section 5 of this Act, the Act entitled “An Act to provide a civil government for Puerto Rico, and for other purposes”, approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the “Puerto Rican Federal Relation Act.”

Section 5.—At such time as the constitution of Puerto Rico becomes effective, the following provisions of such Act of March 2, 1917, as amended, shall be deemed repealed:

(1) Section 2, except the paragraph added thereto by Public Law 362, Eightieth Congress, first session, approved August 5, 1947.

(2) Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49b, 50, 51, 52, 53, 56, and 57.

(3) The last paragraph in section 37.

(4) Section 38, except the second paragraph thereof which begins with the words “The Interstate Commerce Act” and ends with the words “shall not apply in Puerto Rico.”

Section 6.—All laws or parts of laws inconsistent with this Act are hereby repealed.

CONSTITUTION OF THE COMMONWEALTH
OF PUERTO RICO

PREAMBLE

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

In so doing, we declare:

The democratic system is fundamental to the life of the Puerto Rican community;

We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured;

We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

III

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

BILL OF RIGHTS

Section 1.—The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential human equality.

Section 2.—The laws shall guarantee the expression of the will of the people by means of equal, direct and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise.

Section 3.—No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. There shall be complete separation of church and state.

Section 4.—No law shall be made abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 5.—Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child non-educational services established by law for the protection or welfare of children.

Compulsory attendance at elementary public schools to the extent permitted by the facilities of the state as herein provided shall not be construed as applicable to those who receive elementary education in schools established under non-governmental auspices.

Section 6.—Persons may join with each other and organize freely for any lawful purpose, except in military or quasi-military organizations.

Section 7.—The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto Rico shall be denied the equal protection of the laws. No laws impairing the obligation of contracts shall be enacted. A minimum amount of property and possessions shall be exempt from attachment as provided by law.

Section 8.—Every person has the right to the protection of law against abusive attacks on his honor, reputation and private or family life.

Section 9.—Private property shall not be taken or damaged for public use except upon payment of just compensation and in the manner provided by law. No law shall be enacted authorizing condemnation of printing presses, machinery or material devoted to publications of any kind. The buildings in which these objects are located may be condemned only after a judicial finding of public convenience and necessity pursuant to procedure that shall be provided by law, and may be taken before such a judicial finding only when there is placed at the disposition of the publication an adequate site in which it can be installed and continue to operate for a reasonable time.

Section 10.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

Wire-tapping is prohibited.

No warrant for arrest or search and seizure shall issue except by judicial authority and only upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons to be arrested or the things to be seized.

Evidence obtained in violation of this sections shall be inadmissible in the courts.

Section 11.—In all criminal prosecutions, the accused shall enjoy the right to have a speedy and public trial, to be informed of the nature and cause of the accusation and to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, to have assistance of counsel, and to be presumed innocent.

In all prosecutions for a felony the accused shall have the right of trial by an impartial jury composed of twelve residents of the district, who may render their verdict by a majority vote which in no case may be less than nine.

No person shall be compelled in any criminal case to be a witness against himself and the failure of the accused to testify may be neither taken into consideration nor commented upon against him.

No person shall be twice put in jeopardy of punishment for the same offense.

Before conviction every accused shall be entitled to be admitted to bail.

Incarceration prior to trial shall not exceed six months nor shall bail or fines be excessive. No person shall be imprisoned for debt.

Section 12.—Neither slavery nor involuntary servitude shall exist except in the latter case as a punishment for crime after the accused has been duly convicted. Cruel and unusual punishments shall not be inflicted. Suspension of civil rights including the right to vote shall cease upon service of the term of imprisonment imposed.

No *ex post facto* law or bill of attainder shall be passed.

Section 13.—The writ of *habeas corpus* shall be granted without delay and free of costs. The privilege of the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of rebellion, insurrection or invasion. Only the Legislative Assembly shall have the power to suspend the privilege of the writ of *habeas corpus* and the laws regulating its issuance.

The military authority shall always be subordinate to civil authority.

Section 14.—No titles of nobility or other hereditary honors shall be granted. No officer or employee of the Commonwealth shall accept gifts, donations, decorations or offices from any foreign country or officer without prior authorization by the Legislative Assembly.

Section 15.—The employment of children less than fourteen years of age in any occupation which is prejudicial to their health or morals or which places them in jeopardy of life or limb is prohibited.

No child less than sixteen years of age shall be kept in custody in a jail or penitentiary.

Section 16.—The right of every employee to choose his occupation freely and to resign therefrom is recognized, as is his right to equal pay for equal work, to a reasonable minimum salary, to protection against risks to his health or person in his work or employment, and to an ordinary workday which shall not exceed eight hours. An employee may work in excess of this daily limit only if he is paid extra compensation as provided by law, at a rate never less than one and one-half times the regular rate at which he is employed.

Section 17.—Persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, shall have the right to organize and to bargain collectively with their employers through

representatives of their own free choosing in order to promote their welfare.

Section 18.—In order to assure their right to organize and to bargain collectively, persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, in their direct relations with their own employers shall have the right to strike, to picket and to engage in other legal concerted activities.

Nothing herein contained shall impair the authority of the Legislative Assembly to enact laws to deal with grave emergencies that clearly imperil the public health or safety or essential public services.

Section 19.—The foregoing enumeration of rights shall not be construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy. The power of the Legislative Assembly to enact laws for the protection of the life, health and general welfare of the people shall likewise not be construed restrictively.

Section 20.—The Commonwealth also recognizes the existence of the following human rights:

The right of every person to receive free elementary and secondary education.

The right of every person to obtain work.

The right of every person to a standard of living adequate for the health and well-being of himself and of his family, and especially to food, clothing, housing and medical care and necessary social services.

The right of every person to social protection in the event of unemployment, sickness, old age or disability.

The right of motherhood and childhood to special care and assistance.

The rights set forth in this section are closely connected with the progressive development of the economy of the

Commonwealth and require, for their full effectiveness, sufficient resources and an agricultural and industrial development not yet attained by the Puerto Rican community.

In the light of their duty to achieve the full liberty of the citizen, the people and the government of Puerto Rico shall do everything in their power to promote the greatest possible expansion of the system of production, to assure the fairest distribution of economic output, and to obtain the maximum understanding between individual initiative and collective cooperation. The executive and judicial branches shall bear in mind this duty and shall construe the laws that tend to fulfill it in the most favorable manner possible.

IV

CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73(e) OF THE CHARTER IN RESPECT OF PUERTO RICO

Resolution adopted by the General Assembly at its 459th plenary meeting on 27 November 1953.

Sponsors: Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama, Peru.

Vote: 26 in favor, 16 against, with 18 abstentions.

The General Assembly,

Considering that, in resolution 222 (III) of 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers it essential that the United Nations be informed of any change in the constitutional status of any such Territory as a result of which the government responsible for the transmission, under Article 73 e of the Charter, of information in respect of that Territory thinks it unnecessary or inappropriate to continue such a practice.

Having received the communications dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73 e of the Charter.

Having studied the report prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950.

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity.

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1—Takes note favourably of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolutions;

2—Recognizes that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3—Expresses the opinion that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4—Recognizes that, when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5—Recognizes that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;

6—Considers that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7—Takes note of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico;

8—Considers it appropriate that the transmission of this information should cease;

9—Expresses its assurance that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

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San Juan, P. R.
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