

File *Or Amc*  
*Habló con Sr. Tapping*

A/AC.35/SR.81  
English  
Page 3

*Summary record*

*Aug. 28, 1953*

*In Committee on Info. on Non-self gov territories*

CESSATION OF THE TRANSMISSION OF INFORMATION: COMMUNICATION FROM THE UNITED STATES OF AMERICA CONCERNING PUERTO RICO (A/AC.35/L.121)

Mr. SEARS (United States of America) briefly summarized the four main events which had led to the granting of commonwealth status to Puerto Rico. In 1948, the Puerto Rican people had held a general election to determine the kind of self-government they wanted. The choice before them had been whether to become a state of the Union, completely independent or a Commonwealth associated with the United States. They had chosen the latter by an overwhelming majority. The second step had been the submission of legislation in Congress to give effect to that vote. That legislation had become Public Law 600 of the 81st Congress, which authorized the Puerto Rican people to draft their own constitution. The third event had been the holding of a constitutional convention and the fourth the ratification of the new Constitution by Congress and by the Puerto Rican people.

An interesting feature of the new Constitution was that it had been entered into in the nature of a compact between the American and Puerto Rican peoples. That compact could not be amended or abrogated unilaterally by either party.

He introduced Mr. FERNOS-Isern, Resident Commissioner of Puerto Rico, who had represented the Puerto Rican people in the United States Congress for many years and was one of the principal architects of the new Constitution.

Mr. FERNOS-ISERN (United States of America) said that the Constitution of the new Commonwealth of Puerto Rico and the terms of the compact entered into by the people of Puerto Rico and the United States were the product of the free determination of the Puerto Rican people. He himself, as Resident Commissioner, which position he had held by election since 1948, had the obligation to represent the will of the Puerto Rican people. He had the honour, at the present time, to represent the Government of the United States in the Committee, an indication of the profoundly democratic reality of the relations between the United States and Puerto Rico.

He summarized briefly the history of Puerto Rico before the Spanish Crown had ceded its sovereignty over the island to the United States under the Treaty of Paris of 1899. In 1900, Congress had enacted a provisional

*see p 5*



charter of government for Puerto Rico, determining the island's political and economic relations with the United States. A government had been established to deal with internal affairs, while the United States Government had functioned in Puerto Rico in the same way as in several states of the Union according to the federal system of government. A governor holding the executive power and the heads of executive departments of the Puerto Rican Government had been appointed by the President of the United States. Local legislative powers had been vested in the legislative assembly consisting of an Executive Council appointed by the President and a House of Delegates elected by the people. The justices of the Supreme Court of Puerto Rico had been appointed by the President with the consent of the Senate, while judges of the lower courts had been either appointed by the Governor or elected by the people.

The organic law had also provided for the election of a Resident Commissioner to the United States, to whom the House of Representatives had subsequently granted all the privileges of membership in that body except the right to vote. The inhabitants of the island had been declared citizens of Puerto Rico with the right of protection by the United States. Free trade and a common monetary system had been established and federal laws, with the exception of tax laws, had been declared applicable to Puerto Rico as in the United States. Under a series of congressional enactments, Puerto Rico had progressed gradually towards self-government, its legislative and executive branches being wholly in the hands of officials elected by the Puerto Rican people by 1948. Puerto Ricans had been citizens of the United States since 1917. The President of the United States had retained the power to appoint a justice of the Supreme Court of Puerto Rico and the Auditor.

During that progressive development of the political system, a long debate had been taking place concerning various formulas of political status. It was obvious that the Puerto Rican people wished for a form of full self-government. In 1940, the Popular Democratic Party had won the elections and had since gained increasing support. In its early days in power, it had taken the view that the debate on political status should be set aside and that action should be concentrated on the solution of pressing economic and social problems; thus between 1940 and 1944 the Party had laid the foundations for a positive economic and social development of Puerto Rico. The question of the island's political



status having been reopened in 1944, consideration had been given to a plebiscite offering the people the opportunity to vote on several alternatives. By 1948, the three basic alternatives, each presented by a different political party, had been presented to the electorate at the polls.

The Popular Democratic Party had advocated the establishment of a commonwealth linked to the United States by political and economic ties considered by the party to be essential to the economic welfare and security of Puerto Rico. A coalition of parties had favoured the admission of Puerto Rico in the Federal Union as a state. The then recently organized Independence Party had proposed complete separation from the United States and the establishment of an independent republic. In the 1948 elections the popular Democratic Party had obtained 392,386 votes, the coalition 182,977 votes and the Independence Party 65,351 votes. The people of Puerto Rico had reaffirmed their decision in a series of referenda held during the period when the new Constitution was being drafted and adopted and in the general election held in November 1952 after the establishment of a commonwealth. In that election, the Popular Democratic Party had obtained 431,409 votes, the Independence Party 126,228 votes and the Statehood and Socialist Parties, formerly the coalition, a total of 107,310 votes.

In 1950, the Resident Commissioner of Puerto Rico had introduced a bill in the United States House of Representatives for the establishment of a commonwealth. The measure had been adopted by Congress as Public Law 600 in the form of a compact to be submitted to the people of Puerto Rico for approval or rejection. After a series of political debates in Puerto Rico, in which all political parties had taken an active part and in which all points of view had been freely expressed, in the ensuing referendum 387,016 votes had been cast in favour of the compact and 119,169 votes against.

In accordance with the procedure laid down in the compact, delegates had then been elected to the Constitutional Convention of Puerto Rico. The Convention's 92 members had represented three of the island's four political parties, the Independence Party having refrained from nominating candidates. After deliberations lasting four months, the Convention had adopted a Constitution for Puerto Rico, which, likewise in conformity with the compact, had been submitted to the people in a referendum; it had been ratified by a vote of 373,594 in favour and 82,877 against. The Constitution had then been introduced in the House of Representatives, receiving the approval of Congress



and being signed by the President of the United States on 3 July 1952. Thereupon, the compact and the Constitution having been approved both by the Congress of the United States and by the people of Puerto Rico, the Governor of Puerto Rico proclaimed the Constitution to be in effect on 25 July 1952.

The preamble to the Constitution stated that the people of Puerto Rico had established that instrument for the Commonwealth in order to organize themselves politically on a fully democratic basis, to promote the general welfare and to secure complete enjoyment of human rights. The Constitution had been adopted in both Spanish and English and the Spanish expression used as an equivalent to the English word "Commonwealth" was Estado Libre Asociado. The definitions of the word "Commonwealth" approved by the Constitutional Convention were "... a state... in which political power resides ultimately in the people, hence a free state, but one which is at the same time linked to a broader political system in a federal or other type of association and therefore does not have an independent and separate existence" and "... a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its federal structure."

The Constitution proclaimed the creation of the Commonwealth of Puerto Rico whose "political power emanates from the people", that power to be exercised in accordance with the will of the people within the terms of the compact. The Constitution went on to declare that the Government of the island was to be republican in form and that its legislative, judicial and executive branches were subordinate to the sovereignty of the people. The political authority of the Commonwealth extended to the Island of Puerto Rico and to the adjacent islands within its jurisdiction. The Constitution contained a bill of rights, general and transitory provisions and provisions concerning its amendment, a process in which the will of the people, consulted in a referendum, was final.

Until 25 July 1952, the government of the island had been based on a charter granted by the United States Congress and the structure of the governmental institutions of Puerto Rico, although undeniably republican in pattern, had derived from an organic law enacted by Congress. The people of the island had elected a chief executive and the entire legislative body, but the justices



the Supreme Court and the Auditor had been appointed by the President of the United States. Moreover, under the organic law Congress had had the power to annul laws adopted by the Puerto Rican legislature. In the case of a law being vetoed by the Governor, its re-adoption by a two-thirds vote of the legislature could not have superseded the veto, the final decision remaining with the President of the United States.

That political situation had changed fundamentally on the achievement of full self-government under the Constitution and the compact. The basis of political relationship had been changed to that of voluntary association and any semblance of a colonial relationship had been eliminated. The jurisdiction of the Federal Government was now based on a bilateral compact freely entered into by both parties. The new State had been created by the will of the people in the exercise of their natural rights, and the limitations to the sovereignty of the Commonwealth were those agreed to by its inhabitants.

It was noteworthy in that connexion that the system of tariff-free trade between the United States and Puerto Rico, established in 1900, remained in effect under the terms of the compact, since free trade was essential to the island's economic life. Similarly, the people of Puerto Rico who were citizens of the Commonwealth continued to be citizens of the United States, with free access to and full freedom of movement in the entire country. That provision was extremely important to Puerto Ricans already residing in the United States, since it automatically incorporated them into the political life of the country and gave them the right to vote in all elections simply by virtue of their residence and as a prerogative of their citizenship.

The political development of Puerto Rico indicated that the Puerto Rican people had worked out a free, democratic and fully self-governing way of life in harmony with their geographical, demographic, economic and cultural circumstances.

Puerto Rico had not detached itself from the United States to form an independent State, nor had it become integrated into the Federal Union of the United States; instead, a commonwealth had been created whose relations with the United States largely paralleled those existing within the federal system, while being adapted to Puerto Rican circumstances, and its sovereignty was roughly equivalent to that of a state of the Union, except that in the matter of taxation, which in a state was shared between the federal and state governments, Puerto Rico enjoyed complete fiscal autonomy. Thus the elected legislature of Puerto Rico was free to lay down the island's economic and social policies.



Internal commerce had formerly been subject to any limitations which the United States Congress might have placed on it, but now the Puerto Rican people had full jurisdiction over it, much as a state of the Union. Unlike the situation in the states, however, no member of any of the three branches of government was subject to or appointed by any other power than that of the Puerto Rican people in accordance with the laws and constitution of the commonwealth.

The Governor, elected by the people, appointed the members of his cabinet with the advice and consent of the Commonwealth Senate. The Auditor, formerly appointed by the President, was now replaced by a Controller appointed by the Governor with the advice and consent of both houses and responsible only to the legislative branch. The justices of the Supreme Court and the lower court judges were appointed by the Governor with the advice and consent of the Senate. The judicial system of Puerto Rico, much like that of the states, was integrated into the federal judicial system, and the United States Supreme Court was the final instance of appeal. The Puerto Rican Supreme Court, like State Supreme Courts, interpreted the Constitution and laws of Puerto Rico.

In accordance with the Constitution, the Legislative Assembly had power to enact provisions concerning the flag, coat of arms and anthem of the Commonwealth.

Explaining the political situation in Puerto Rico, he said that the Puerto Rican Independence Party had opposed the compact, nominated no candidates for the constitutional convention, and opposed ratification of the Constitution, and still interpreted the present status of Puerto Rico differently from the majority of the people. The Party had pressed its views during the constitutional discussion and during the November 1952 elections, the results of which had already been mentioned. In its opinion, Puerto Rico was still subject to the United States Congress and not self-governing. It claimed that Public Law 600 of 1950 had not recognized Puerto Rico's right to form a constitution, but only to propose amendments to the existing organic law; that the present Constitution was itself an act of Congress and a colonial document not granting any real power; that there was no basic change of relationship between Puerto Rico and the United States; and that for those and similar reasons the United States should continue to submit information under Article 73 (e) of the Charter.



That point of view, which was contrary to the position of the United States Government, had been decisively rejected by the Puerto Rican people in the referenda and elections held since 1948.

Two other minority parties, polling 107,000 votes in all in the 1952 elections, advocated full membership as a state of the Federal Union, but did not question the fact that Puerto Rico had achieved self-government. Accordingly, the United States decision to cease to transmit information had the support of 80 per cent of the Puerto Rican electorate.

Puerto Rico had attained full internal self-government in political, economic, social and cultural affairs, and there were no minority groups that had reached a position of economic privilege by virtue of external authority.

Puerto Rico had a long democratic tradition, which, combined with the provisions of the electoral law, ensured the full expression of the people's will through secret, universal suffrage. By tradition the electoral law was amended only with the approval of all registered political parties.

The organization of political parties was protected by law; in 1947, for example, the legislature had liberalized the statutory requirements for registration to allow the formation of the Independence Party, which could not have been formed under the old rules and hence could not have spoken for that part of the population which had advocated independence.

By contrast with the provisions in effect previous to the adoption of the Constitution, article III provided for minority parties to be represented in the legislature roughly in proportion to actual votes cast, through the seating of legislators additional to those elected by the normal process. Thus, although the minority vote had decreased since the adoption of the Constitution, the minority representation had increased substantially.

The economic, social and cultural development programme being carried out had been conceived in the spirit of freedom, making use of the great energies of private enterprise whenever appropriate, and of democratic planning when the public interest called for government initiative. Efforts to improve economic standards and towards a better life included the agrarian reform designed to



reallocate the land to the small farmer's benefit, the diversification scheme in agriculture, the development of electric power and the low-cost housing programme. As had been mentioned earlier in the Committee, in connexion with education and technical assistance, Puerto Rico had become a centre for over 700 students from all over the world, which would have been impossible but for the imagination, energy and democratic spirit of Puerto Rico.

The clean democratic life of Puerto Rico had so strengthened faith in liberty that the people had always been ready to defend it with their lives. They had taken part in the First and Second World Wars and in the Korean war, and in the last two more than half of the Puerto Ricans involved had been volunteers. Lastly, it was important to note that the steps leading to the compact and Constitution had been initiated by Puerto Ricans and were based on the free decisions of the electorate.

By the proclamation of the Commonwealth, within the terms of the compact with the United States, Puerto Rico had declared its basic problem solved, having achieved sovereignty through a political and economic relationship essential to its development and very existence. Resolution No. 23 of the constitutional convention had declared that the goal of complete self-government had been reached, the last vestiges of colonialism had disappeared, and a new era in democratic civilization had been entered; having full political dignity, the Commonwealth of Puerto Rico might develop by modifications of the compact by mutual consent; the right had been reserved to propose and accept modifications to the relationship with the United States to maintain it as an expression of an agreement freely entered into. Congratulating the Governor on the first anniversary of the commonwealth and the fifty-fifth of the connexion between Puerto Rico and the United States, the President of the United States had said that the bond of common citizenship meant common freedom, and that the voluntary association proposed by the Puerto Rican people and enacted by Congress was eloquent testimony to half a century of mutual respect and understanding. The President was proud with the Puerto Rican people of their achievements under their free institutions.



The Puerto Rican people realized that the Commonwealth status was subject to growth within itself, but also that that status could be changed, as it had been created, by common consent. The United States action in according to the Philippines the status requested by the majority of that country's people had shown what would be the response of the United States to a similar request from Puerto Rico. He could say that in complete confidence, as a representative both of the United States and of Puerto Rico.

Mr. TRUJILLO (Ecuador) proposed that the debate on the item should be suspended until the following meeting, to give the Committee time to consider the important statement of the United States representative.

It was so decided.

The meeting was suspended at 3.40 p.m. and resumed at 4.15 p.m.

EDUCATIONAL CONDITIONS IN NON-SELF-GOVERNING TERRITORIES: REPORTS SUBMITTED BY  
THE SECRETARY-GENERAL AND THE SPECIALIZED AGENCIES (continued)

g) Community development and the general co-ordination of educational and social  
policy (A/AC.35/L.131) (continued)

Mr. GRADER (Netherlands) stated that in recent years, along with a better understanding of social structures and social processes, there had been a rapid development of techniques by which those processes could be influenced. In most countries, including the Non-Self-Governing Territories, the application of these techniques had become part of social policy. In his own country, for example, efforts were being made to counteract the disappearance of community life in the larger cities by furthering local interests in urban subdivisions.

Turning to the manner in which his Government's policy on community development was being put into effect in New Guinea, he emphasized the extreme diversity of cultures and languages among the various tribes and clans, due to isolation, the indigenous inhabitants' dislike of authority, and their tendency to shirk their responsibilities towards the community. In the case of people who were apt to retire to the jungle to avoid compulsory school attendance for their children, for example, the educational policy had to be carefully thought out. School teachers had to be trained to use methods which would fit



Dionisio Casillas Casillas  
José Cintrón Rivera  
Lionel Fernández Méndez  
Luis A. Ferré Aguayo  
Alcides Figueroa Oliva  
Leopoldo Figueroa Carre-  
ras

Ernesto Juan Fonfrias  
Rivera

Juan R. García Delgado  
Miguel A. García Méndez  
Jenaro Gautier Dapena  
Fernando J. Geigel Sabat  
José R. Gelpí Bosch  
Dario Goitia Montalvo  
Héctor González Blanes  
Andrés Grillasca Salas

Jesús Izcoa Moure  
Lorenzo Lagarde Garcés  
Ramón Llobet Díaz  
Ramiro Martínez Sandín  
Juan Meléndez Báez  
Ramón Mellado Parsons  
Armando Mignucci Calder  
Pablo Morales Otero  
Luis Muñoz Rivera

Eduardo Negrón Benítez  
Abraham Nieves Negrón  
Mario Orsini Martínez  
Norman E. Parkhurst  
Francisco Paz Granela  
Ubaldo Ramírez de Are-  
llano Quiñones  
Ramón María Ramos de  
Jesús

Antonio Reves Delgado  
Dolores Rivera Candelaria  
Alego-Rivera Morales  
Carmelo Rodríguez García  
Carlos Román Benítez  
Joaquín Rosa Gómez  
Alberto E. Sánchez Naza-  
rio

Luis Santaliz Capestany  
Juan B. Soto González  
Rafael Torrech Genovés  
Lucas Torres Santos  
Pedro Torres Díaz  
Augusto Valentín Vizca-  
rrondo  
Baudilio Vega Berrios  
José Veray Hernández

legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the government of the metropolitan country.

As a result of the change in the constitutional position and status of Puerto Rico as described in this memorandum, the Government of the United States considers it unnecessary to transmit further information under Article 73 e of the Charter concerning the Commonwealth of Puerto Rico. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in pursuance of resolution 222 (III), this memorandum has been prepared and, together with a copy of the Constitution of the Commonwealth of Puerto Rico and a letter from the Governor of Puerto Rico, is transmitted to the Secretary-General for circulation to the Members of the United Nations for their information.

#### CONSTITUTIONAL DEVELOPMENT OF PUERTO RICO UNDER UNITED STATES ADMINISTRATION

Puerto Rico has been administered by the United States since 1898 when Spain ceded its sovereignty to the island under terms of the Treaty of Paris. Puerto Rico had a military government until 1900 when the United States Congress enacted the first organic law providing for a civil form of government. The establishment of the Commonwealth in July 1952 marks the culmination of a steady progression in the exercise of self-government initiated by the first organic law.

The first organic law, known as the Foraker Act, provided for a Governor appointed by the President of the United States, with the advice and consent of the Senate of the United States, a legislative assembly in which the lower house was elected but the upper house was composed of the heads of executive departments of the government and five other persons, all appointed by the President with the advice and consent of the Senate; and a supreme court, the members of which were also appointed by the President with the advice and consent of the Senate, justices of the lower courts being appointed by the Governor with advice and consent of the upper house of the legislature. The act provided for Puerto Rico's representation before all departments of the Federal Government by a popularly elected Resident Commissioner. The Resident Commissioner has a seat in the House of Representatives of the Congress of the United States.

In 1917, the scope of self-government was increased with enactment by the Congress of a second organic law known as the Jones Act. Under it, the people of Puerto Rico elected both houses of their legislature, and the popularly elected upper house advised and consented to the Governor's appointment of justices of the lower courts. The President retained authority to appoint the Governor, the justices of the supreme court, the heads of the departments of justice and education, and the auditor, but all other heads of executive departments were appointed by the Governor. The people of Puerto Rico became citizens of the United States. The protection of a bill of rights patterned on the bill of rights of the United States Constitution was extended to Puerto Rico. Provision for representation before the various departments of the Federal Government remained. The legislature could

#### Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 (e) of the Charter with regard to the Commonwealth of Puerto Rico

##### INTRODUCTION

The United States Government, in pursuance of Article 73 e of the Charter of the United Nations, has, in accordance with resolution 66 (I) adopted by the General Assembly of the United Nations on December 14, 1946, transmitted annually to the Secretary-General since 1946 information on Puerto Rico. During this period successive advances have been made in the growth and development of self-governing institutions in Puerto Rico and in the vesting of powers of government in the Puerto Rican people and their elected representatives. This process has reached its culmination with the establishment of the Commonwealth of Puerto Rico and the promulgation of the Constitution of this Commonwealth on July 25, 1952.

With the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government. Accordingly, the Government of the United States has decided that it is no longer appropriate for it to submit information on Puerto Rico pursuant to Article 73 e of the Charter.

Resolution 222 (III), adopted by the General Assembly on November 3, 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any non-self-governing territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution,

*Handwritten notes:*  
T-TR-1  
SER-18  
Non-Self Gov  
Territories  
Summaries  
Analysis  
Memo of  
Mar 20, 1953



repass a bill over the Governor's veto, but if the Governor did not then approve it, it did not become law unless it received the approval of the President.

In 1946, the President appointed as Governor, with the advice and consent of the Senate, a Puerto Rican who had formerly been Resident Commissioner from Puerto Rico. This was the first time that a Puerto Rican had been appointed Governor.

In 1947, the Congress authorized the people of Puerto Rico to elect their Governor, beginning with the general election in 1948, and provided a line of succession in the event of a vacancy in the position of Governor or of the Governor's temporary absence or disability. The elected Governor was authorized to appoint all the members of his cabinet, the heads of the executive departments, including the attorney general and commissioner of education. No change was made at that time in the provisions respecting appointment of the auditor and justices of the supreme court.

#### DEVELOPMENT AND ADOPTION OF THE CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

In 1948, the candidates for Governor and Resident Commissioner from Puerto Rico, who were elected by very substantial majorities, ran on a platform calling for the adoption by the people of Puerto Rico of a constitution of their own drafting, within the framework of a continuing relationship with the United States to which the people of Puerto Rico would consent. In that election, the candidates who advocated statehood for Puerto Rico and independence for Puerto Rico were defeated. An overwhelming number of candidates for the legislature who ran on the same programme as the successful candidates for Governor and Resident Commissioner were also elected. In accordance with the expressed wishes of the people of Puerto Rico, there was introduced in the Congress a bill to provide for the organization of a constitutional government by the people of Puerto Rico. It was enacted on July 3, 1950 as Public Law 600, 81st Cong. (64 Stat. 319).

That law expressly recognized the principle of government by consent, and declaring that it was "adopted in the nature of a compact", required that it be submitted to the voters of Puerto Rico in an island-wide referendum for acceptance or rejection. If the act were approved by a majority of participating voters, the Legislature of Puerto Rico was authorized to call a constitutional convention to formulate a constitution, which would become effective upon its adoption by the people if approved by the Congress after a finding by the President that it conformed with the applicable provisions of the act and of the Constitution of the United States. Those provisions of the Organic Act which related to matters of local government would thereupon be repealed, while the remaining provisions of the Organic Act, relating to such matters as Puerto Rico's economic relationship to the United States, the force and effect of applicable Federal laws, and continued representation in Washington, would thenceforth be known as the Puerto Rican Federal Relations Act. The Congress made only two stipulations with respect to the content of the constitution to be adopted: that it provide a republican form of government and that it include a bill of rights.

Four political parties participated in the campaign preceding the referendum: two advocated approval of Public Law 600, 81st Congress, one opposed it, and one was divided in its position. On June 4, 1951, 506,185 persons, 65.08 per cent of the 777,675 qualified voters of Puerto Rico, participated in the referendum, and 76.5 per cent of those voting approved the act. On August 27, 1951, ninety-two delegates were elected to a constitutional convention, representing the Popular Democratic, the Statehood and the Socialist parties. The convention met in September 1951, and concluded its painstaking work in February 1952. An official English and an official Spanish version of the Constitution were adopted, and the text was published in the four daily newspapers of Puerto Rico in both languages. Copies of the document were distributed throughout the Island.

On March 3, 1952, the Constitution was put to a vote for adoption or rejection. Of the 783,610 voters, 456,471 participated in the referendum. Of these, 373,594 or 81.84 per cent of those voting supported adoption of the constitution; only 82,877 or 18.16 per cent of those voting disapproved it. All of the elections and referenda held in Puerto Rico in connexion with the development of the constitution were on the basis of universal adult suffrage without property or literacy requirements. Puerto Rico has had universal adult suffrage since 1929. There have been no property requirements since 1906 and the last literacy requirements were removed in 1935.

On April 22, 1952, the President transmitted the Constitution to the Congress with his recommendation for approval, and by Public Law 447, 82nd Cong. (66 Stat. 327), signed by the President on July 3, 1952, the Congress approved the Constitution subject to certain conditions which were to be submitted for approval to the Puerto Rican Constitutional Convention. Public Law 447, in its preambular provisions, recalled that the Act of July 3, 1950 "was adopted by the Congress as a compact with the people of Puerto Rico, to become operative upon its approval by the people of Puerto Rico"; that the people of Puerto Rico had overwhelmingly approved this Act and that the Constitution of Puerto Rico had been drafted by a Constitutional Convention; that the Constitution was adopted by the people of Puerto Rico in a referendum; that the President of the United States had declared that the Constitution conformed fully with the applicable provisions of the Act of July 3, 1950 and the Constitution of the United States, that it contained a Bill of Rights, and provided for a republican form of government; and that the Congress of the United States had considered the Constitution and found that it conformed with the stipulated requirements. The operative part of Public Law 447 recorded the approval by the Congress of the United States of the Constitution of the Commonwealth of Puerto Rico subject to certain conditions, among which was that the following new sentence be added to article VII: "Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, 81st Cong. adopted in the nature of a compact." The Puerto Rican Constitutional Convention considered and approved these conditions. On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its Constitution.



PRINCIPAL FEATURES OF THE CONSTITUTION OF THE  
COMMONWEALTH

The Constitution of the Commonwealth, as it became effective with the approval of the Congress, provides that "Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America" (article I, section 1). The Constitution of the Commonwealth is similar to that of a State of the Federal Union. It establishes a tripartite form of government, with a popularly elected Governor, a popularly elected bi-cameral legislature and a judicial branch. The heads of all executive departments are appointed by the Governor, with the advice and consent of the Puerto Rican Senate; appointment of the Secretary of State also requires the consent of the House of Representatives. It should be noted that with the establishment of the Commonwealth neither the President nor the United States Senate participates in any way in the appointment of any official of the government of the Commonwealth.

The Legislative Assembly, which is elected by free, universal and secret suffrage of the people of Puerto Rico, has full legislative authority in respect to local matters. The Commonwealth has the power to impose and collect taxes, and to contract debts. Acts of the Legislative Assembly become law upon approval of the Governor, or, in the event that an act is vetoed by the Governor, upon its re-enactment by two-thirds of the total number of members of which each house is composed. The President may no longer prevent a bill repassed over the Governor's veto from becoming law by disapproving it. The protection of a bill of rights is extended to persons in Puerto Rico. All public officials must take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth. Amendments to the Constitution may be proposed by the Legislative Assembly, and will be voted on at a referendum, becoming effective if ratified by a majority of the electors voting thereon. The Constitution does not restrict the substance of future amendments, except to provide that they shall be consistent with the act approving the Constitution, with the applicable provisions of the Federal Constitution with the Puerto Rican Federal Relations Act, and with the act of Congress authorizing the drafting and adoption of a Constitution.

The judiciary of the Commonwealth is independent under the Constitution. The justices of the Supreme Court are no longer appointed by the President but are appointed by the Governor with the advice and consent of the Senate of Puerto Rico. Justices hold office during good behavior and may be removed, after impeachment, for causes specified in the Constitution. The number of justices may be increased only by law at the request of the court itself. No judge may make a direct or indirect financial contribution to any political organization or party, or hold any elective office therein, or participate in any political campaign or be a candidate for elective office unless he has resigned his judicial office at least six months prior to his nomination. Although judgments of the Supreme Court of Puerto Rico may be appealed to the United States Court of Appeals, decisions of the United States Supreme Court have established that the Supreme Court of Puerto Rico is the final authority on the meaning of a Puerto

Rican law and that its decision interpreting such a law may not be reversed unless the interpretation is "inescapably wrong" and the decision "patently erroneous"; it is not sufficient to justify reversal that the Federal Court merely disagree with the Puerto Rican Supreme Court's interpretation. There continues to be a Federal District Court in Puerto Rico, but its jurisdiction does not differ from the jurisdiction of Federal District Courts functioning within the boundaries of States.

Under the Constitution, there is full and effective participation of the population of Puerto Rico in the Government of Puerto Rico. Article II, section 1, provides that no discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas and requires the laws to embody these principles. Puerto Rico is divided by the Constitution into senatorial and representative districts for purposes of electing members of the Legislative Assembly, and provision is also made for election of senators and representatives elected at large. By a special procedure established by article II of the Constitution, minority parties are assured of representation which recognizes their island-wide voting strength. Elections will be held every four years.

Article II, section 2, requires that 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. Article VI, section 4, provides that every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law and prohibits depriving a person of the right to vote because he does not know how to read or write or does not own property.

PRESENT STATUS OF PUERTO RICO

The people of Puerto Rico continue to be citizens of the United States as well as of Puerto Rico and the fundamental provisions of the Constitution of the United States continue to be applicable to Puerto Rico. Puerto Rico will continue to be represented in Washington by a Resident Commissioner whose functions are not altered by the establishment of the Commonwealth. Matters of foreign relations and national defence will continue to be conducted by the United States, as is the case with the States of the Union.

At the request of the people of Puerto Rico and with the approval of the Government of the United States, Puerto Rico has voluntarily entered into the relationship with the United States which it has chosen to describe as a "commonwealth" relationship. The term "commonwealth" was adopted by Puerto Rico as the official English designation of the body politic created by the Constitution (the official Spanish title is "estado libre asociado"), to define the status of that body as "a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its Federal structure", and which "does not have an independent and separate existence" (resolution No. 22 of the Constitutional Convention). By the various actions taken by the Congress and the people of Puerto Rico, Congress has agreed that Puerto Rico shall have, under that Constitution, freedom from control or interference by the Congress in respect of internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution,



the Puerto Rican Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision. Those laws which directed or authorized interference with matters of local government by the Federal Government have been repealed.

In Hawaii, Alaska, Guam and the Virgin Islands of the United States the chief executive is appointed by the President with the advice and consent of the Senate, not popularly elected by the people; the executive officer immediately subordinate to the Governor is appointed by the President, either alone or with the advice and consent of the Senate, but not by the Governor; and judges of the highest courts exercising local jurisdiction are appointed by the President with the advice and consent of the Senate, not by the Governor. This is so provided by their respective organic acts as enacted by the Congress. This is not the case with respect to Puerto Rico. The people of Puerto Rico will participate effectively in their government through universal, secret and equal suffrage, in free and periodic elections in which differing political parties offer candidates, and which are assured freedom from undemocratic practices by the Constitution itself. These elections will be conducted in the future, as they have been in the past, without interference by the United States. The people of Puerto Rico have complete autonomy in internal economic matters and in cultural and social affairs under a Constitution adopted by them and approved by the Congress.

Under the Puerto Rican Federal Relations Act, there will still be free trade with the United States, only United States coins and currency will be legal tender in Puerto Rico, and the statutory laws of the United States not locally inapplicable will, with some exceptions, have the same force and effect in Puerto Rico as in the United States. United States internal revenue laws do not apply in Puerto Rico, and the people of Puerto Rico will continue to be exempt from Federal income taxes on the income they derive from sources within Puerto Rico. The proceeds of United States excise taxes collected on articles produced in Puerto Rico and shipped to the United States and the proceeds of customs collected on foreign merchandise entering Puerto Rico are covered into the Treasury of Puerto Rico for appropriation and expenditure as the legislature of the Commonwealth may decide.

The final declaration of the Constitutional Convention of Puerto Rico (resolution No. 23), expresses the views of the people of Puerto Rico as to the status they have now achieved.

"When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized into a commonwealth established within the terms of the compact entered into by mutual consent, which is the basis of our union with the United States of America.

"....

"Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization."

#### CONCLUSION

1952, of the new constitutional arrangements establishing the Commonwealth of Puerto Rico, it is no longer appropriate for the United States to continue to transmit information to the United Nations on Puerto Rico under Article 73 e of the Charter. This conclusion constitutes a recognition of the full measure of self-government which has been achieved by the people of Puerto Rico.

#### Letter dated January 17, 1953 from Mr. Luis Muñoz Marín, Governor of Puerto Rico, to the President of the United States

On July 25, 1952, the Commonwealth of Puerto Rico was formally installed in response to the wish of an overwhelming majority of the people of Puerto Rico pursuant to a compact between them and the Government of the United States. Puerto Rico became a Commonwealth in free and voluntary association with the United States, and its people have now attained a full measure of self-government. Accordingly, I respectfully suggest on behalf of the Commonwealth of Puerto Rico that the Government of the United States take steps to notify the United Nations of the status of Puerto Rico, that it is no longer a non-self-governing area, and that reports concerning it are no longer appropriate under Article 73 e of the Charter.

This development has climaxed fifty-four years of growth in mutual understanding and mutual good will. Democratic rights in Puerto Rico have been progressively recognized as self-government has increased. Since 1917, the people of Puerto Rico elected all members of their legislature which had comprehensive powers to enact laws for Puerto Rico. Since 1948, the people of Puerto Rico also elected their own governor, and all other officials of Puerto Rico were locally elected or appointed by elected officials except the Auditor of Puerto Rico and the Justices of the Supreme Court. Until the Commonwealth of Puerto Rico began to function, the latter officials were appointed by the President of the United States with the advice and consent of the United States Senate. The Congress of the United States, however, retained full jurisdiction to legislate with respect to Puerto Rico without the consent of its people, to override its laws, to change its form of government and to alter its relations to the United States.

These reservations have been to a large extent formal. In the entire fifty-four years history of United States administration of Puerto Rico, Congress did not in any instance exercise its power to annul or amend an Act of the Puerto Rico legislature, nor did it modify the relations of Puerto Rico to the United States except progressively to extend self-government to its people in response to their wishes. Even before 1948, the appointed Governor of Puerto Rico was a Puerto Rican whose selection was recommended by the majority political party of the island. After 1948, the appointed Auditor and Justices of the Supreme Court were Puerto Ricans, also appointed with the recommendation and approval of the majority party.

This political history has been accompanied by a mutually beneficial economic relationship. The people of Puerto Rico have received many services from the



to the payment of taxes and have been entirely free of imports, duties or any form of exactions for the support of the Federal Government. At all times since the turn of the century we have enjoyed free trade with the United States, and since 1917 we have had the benefit of common citizenship. Despite the fact that our population has grown from 953,000 inhabitants in 1900 to 2,219,000 in 1950, our standard of living has substantially increased. For example, the average *per capita* income in 1930 was \$122.00 as compared with \$319.00 in 1950.

The people of Puerto Rico have been keenly aware of our basic economic problems due to the density of population and the poverty of natural resources. We are proud of the progress that we have made and are continuing to make by the utilization of our own talents and our democratic institutions. This progress would have been impossible, however, if it had not been for the sympathetic co-operation of the United States, manifested in a wide variety of ways, material and political. We have been helped in building sounder social and educational bases for the exercise of our political rights and for our own economic advancement. Our joint efforts in combating illiteracy and improving health conditions have produced remarkable results. In 1900 the literacy rate in Puerto Rico was 20 per cent as compared to 78 per cent in 1950; and in the same period the death rate has dropped from 25.3 per thousand to 10 per thousand.

Although the relationship was one of freedom and justice in practice, the people of Puerto Rico were not satisfied to remain in a status which appeared to reflect the imposition upon a people of the will of another community. We are proud of our culture and background, and we cherish our individual dignity and our common heritage. We profoundly believe that our government should be solidly based upon our own will and our own free choice. Accordingly, for some years, as our democratic institutions developed and became firmly established, the people considered and debated the matter of their status.

Specifically, the people of Puerto Rico discussed three choices: independence, statehood within the Federal Union, or association with the United States as a free Commonwealth. At no time did we consider that our choice was restricted, or that any alternative was foreclosed to us or could not be achieved by peaceful means; and it should be said that at no time did the United States attempt, directly or indirectly, to interfere with our choice. On the contrary, President Truman said in a message to the Congress as long ago as October 1945.

"It is the settled policy of this Government to promote the political, social, and economic development of people who have not yet attained full self-government and eventually to make it possible for them to determine their own form of government. . . . It is not time, in my opinion, to ascertain from the people of Puerto Rico their wishes as to the ultimate status which they prefer, and, within such limits as may be determined by the Congress, to grant to them the kind of government which they desire."

And in his message to the Congress in January 1946, he said,

"This Government is committed to the democratic principle that it is for the dependent peoples themselves to decide what their status shall be."

Each of the alternatives of independence, statehood and association has been represented in Puerto Rico by a political party which favoured it, and which actively campaigned for the support of the electorate and nominated candidates for the legislature and the governorship. In the 1948 elections the three alternatives were fully presented to the electorate by the three main political parties. The preference of the people, expressed in an election which was as democratic as any in the world, was unmistakably expressed in favour of the third alternative: a free Commonwealth associated with the United States on the basis of mutual consent. Their choice is aptly summed up in the Spanish name of the new body politic, "Estado Libre Asociado".

It was at the request of the officials of the Puerto Rican government acting pursuant to the mandate of the people that the Congress of the United States initiated the series of actions which resulted in the creation of the Commonwealth. On July 3, 1950, the 81st Congress enacted Public Law 600. This was, in effect, an offer by the Congress to the people of Puerto Rico, which we might accept or reject, to enter into a compact defining the status of Puerto Rico and the relationships between the respective communities. The compact offered the people of Puerto Rico an opportunity to establish our own government and to remain in association with the United States on defined terms. It was the precise formula that the people, through their elected representatives, had requested.

According to its terms, Public Law 600 was submitted to the qualified voters of Puerto Rico in a referendum held on June 4, 1951 after months of intensive debate. The Law was accepted by the people of Puerto Rico by a vote of 387,016 to 119,169. Sixty-five per cent of the eligible voters participated in the referendum. In this as in all elections in Puerto Rico, all citizens of at least 21 years of age, male or female, without property or literacy requirements, were entitled to vote.

After acceptance of Law 600, a Constitutional Convention was elected on August 27, 1951 in an election where all the qualified voters had the right to participate. The Convention met at San Juan on September 17, 1951 and proceeded to draft a Constitution. On February 6, 1952 it approved the Constitution of the Commonwealth of Puerto Rico which it had drafted, by a vote of 88 to 3. On March 3, 1952 the qualified voters of Puerto Rico again went to the polls to express approval or disapproval of the Constitution drafted by the Convention. The Constitution was ratified in this referendum by a vote of 373,594 in favour of approval and 82,877 against approval.

Pursuant to the provisions of the Compact, the Congress of the United States on July 3, 1952 approved the Constitution of the Commonwealth of Puerto Rico. On July 11, 1952 the Constitutional Convention of Puerto Rico by resolution accepted amendments proposed by the Congress and took the final step in ratifying the Constitution of the Commonwealth. The Commonwealth was duly installed on July 25, 1952 and the flag of Puerto Rico was raised beside the flag of the United States.

The Commonwealth of Puerto Rico, therefore, represents the government that the people of Puerto Rico



have freely adopted. It reflects our own decision as to the type of institutions and the kind of relationship to the United States which we desire. There can be no doubt that in the full sense of the term, in form as well as in fact, the people of Puerto Rico are now self-governing. We have chosen our institutions and relationship with the United States. We have determined the nature and distribution of the powers of government. We have created our own Constitution under which we established our own government, the nature of which is described in article I, section 2 of the Constitution as follows:

"The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico."

Under this Constitution, of course, all our officials are either elected by the people or are appointed by officials whom we elect. The legislative power of the Commonwealth under the compact and the Constitution essentially parallels that of the state governments. The laws enacted by the Government of the Commonwealth pursuant to the compact cannot be repealed or modified by external authority, and their effect and validity are subject to adjudication by the courts. Our status and the terms of our association with the United States cannot be changed without our full consent.

The people of Puerto Rico are firm supporters of the United Nations, and this great organization may confidently rely upon us for a continuation of that good will. The Government of the Commonwealth of Puerto Rico will be ready at all times to co-operate with the United States in seeking to advance the Purposes and Principles of the United Nations.