

MEMORANDUM

1st rough draft translated with revisions

The Commonwealth of Puerto Rico was established on July 25, 1952. ~~It is free, and at the same time associated with the United States of America.~~

The people of Puerto Rico took the following steps in arriving at their present status:

1. In the general elections of 1948, the people categorically and unequivocally placed their faith in the party whose platform proposed the political status now achieved by the people of Puerto Rico. In so doing, the people rejected the programs of the two political parties which ^{did} proposed ^{and still propose} on the one ^{hand} complete separation from the U. S. ^{rated states} and on the other hand, integration into the federal union of the United States.

2. On March 13, 1950, the Resident Commissioner of Puerto Rico in the United States elected to office as a candidate of the party that received ^(the majority) ~~overwhelming~~ support of the electorate on the basis of its program, submitted to the Congress of the United States a proposed law, ^(H. R. 7674) ~~which would establish the status decided upon by the people of Puerto Rico.~~ House Resolution 7674

3. ^{after approval by the} ~~The Congress of the United States~~ approved ^{during that very session,} this legislation (Public Law 600 of 1950) ~~during that very session,~~ and the people of Puerto Rico accepted, in a referendum held on June 4, 1951, the terms of the ^{compact} ~~agreement~~ set forth by the Congress of the United States in the ^{above} ~~law mentioned above,~~ based upon which Puerto Rican's political status ^{the political organization of the people of Puerto Rico} would be established.

4. On August 27, 1951, delegates were elected to a Constitutional Convention for the purpose of ^(drafting) ~~formulating~~ the Constitution of the Commonwealth of Puerto Rico. This election was held in accordance with the election laws of Puerto Rico.

5. The Constitution approved by the Constitutional Convention was ratified by the people ~~of~~ Puerto Rico on March 3, 1952.

6. On July 3, 1952, the Congress of the United States approved the Joint Resolution (Public Law ^{447 or 447a} ~~447~~, 1952) which ratified the Constitution of Puerto Rico, such ratification subject to certain stipulations which were to be submitted for acceptance or rejection to the Constitutional ~~Assembly.~~ Convention.

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Convention

7. On ~~the~~ ^{Subsequently,} Constitutional ^{Convention} approved the stipulations made by the Congress based upon which the Constitution ~~was to~~ become effective.

8. On July 25, 1952, the Governor of Puerto Rico proclaimed the Constitution ^{of the Commonwealth of Puerto Rico,} ~~to be in effect in accordance with its own terms.~~

The Commonwealth of Puerto Rico is therefore a state, duly constituted by the people of Puerto Rico ^{in their own territories} ~~according to their own wishes and~~ through the exercise of their natural right. It is so declared by the Constitution, which establishes a republican form of Government.

It Puerto Rico is a free state ^{inasmuch as} ~~in that it~~ is not subject to any superior authority, ~~Since it~~ functions in accordance with the terms of a political and economic ^{compact} ~~agreement~~ solemnly entered into with the United States of America, ^{but} its authority emanates from the sovereignty of the people of Puerto Rico. ^{The} Executive, legislative and judicial ^{powers are} ~~rest~~ exclusively ^{responsible to} with the people of Puerto Rico.

Puerto Rico is a state associated to the United States by virtue of the fact that the people of Puerto Rico, upon constituting ^{a Commonwealth, consented to} ~~themselves into a free state,~~ ~~leave to the government of the United States,~~ ~~the exercise of certain political authority, together with corresponding responsibilities,~~ ^{Some of the features of} ^{their} in so far as relation between states and the federal government, is concerned, remain with the government of the United States.

These rights and responsibilities are, generally speaking, ^{the} ^{as} ~~those same rights~~ which the people of the United States delegated to the federal government created under the Constitution of the United States, and ^{which} ^{are} ~~are~~ consequently ^{member} ~~not~~ retained by the ^{individual} ~~individual~~ states of the ^{Federal Union.} ~~Union.~~

However, the federal government does not have, as in the case of the states ^{of} ~~within~~ the Union, the right to tax the inhabitants of Puerto Rico. Constitutionally speaking, Puerto Rico is not ^a ~~part~~ of the federal Union, but is associated to ^{The Union} ~~it~~ by virtue of a bilateral ~~compact~~ ^{compact.} agreement.

STRUCTURE OF THE COMMONWEALTH

The Commonwealth functions by virtue of its own Constitution and within the framework of its political and economic association with the United States in accordance

with the stipulations of the ^{compact} agreement that created the association. The Constitution of the Commonwealth of Puerto Rico proclaims the political sovereignty of the people of Puerto Rico. This Constitution and the terms of the association have been sanctioned by the people of Puerto Rico ^{in country - no referendum} through ~~two plebiscites and~~ and ratified by the Congress of the United States. (Public Law 600 of the 81st Congress and Public Law ⁴⁴⁷ ~~477~~ of the 82nd Congress.)

The ^{nature} spirit of the Commonwealth of Puerto Rico is profoundly democratic. Universal suffrage is guaranteed ^{to both men and women} under the Constitution and no limitation is imposed with respect to property or literacy. The ballot is secret. General elections are held every four years. ~~Quasi-proportional~~ ^R representation in the legislative body is assured to all minority parties on a quasi-proportional basis. ^{Legislative,} ~~judicial,~~ ^{and judicial} legislative and executive powers are completely independent of each other, responsible only to the people of Puerto Rico. The Chief Executive may be ~~called~~ ^{impeached} to account by the legislative power.

The Constitution guarantees freedom of speech and press; protects citizens against invasion of their privacy; establishes trial by jury in all ^{felony} cases of ~~serious crimes~~ ^{felony}, as well as the right of habeas corpus; guarantees the right to life, to property and ^{freedom} liberty, and no one may be denied these rights without due process of law.

The ^{on} Constitution provides for the method by which it may be amended; ~~new~~ amendments must be initiated by the Legislature and finally decided upon by the people through plebiscites, with ^{no other} ~~no other~~ ^{out outside} intervention..

ASSOCIATION WITH THE UNITED STATES

The specific terms of the association between the Commonwealth of Puerto Rico and the United States are ^{contained in the Puerto Rican} in the Federal Relations Act of Puerto Rico as established ^{by compact} in the agreement.

~~The Federal Relations Act of Puerto Rico is made up of former sections of the Organic Act of Puerto Rico which was in effect until the inauguration of the~~

(4)

Those provisions of law which originally were enacted by unilateral action of the Congress of the United States and which Puerto Rico now wished to preserve became, under the compact, bilateral stipulations governing the association between Puerto Rico and the United States. Such stipulations are the framework of ^{the} political and economic relationships in the development of the Commonwealth ~~develops~~ of Puerto Rico.)

Naturally, since the Puerto Rican Federal Relations Act is a part of the compact it cannot be amended except by mutual agreement between the people of Puerto Rico and the United States. As stated by my colleague Mr. Mason Sears, before the Committee on Information From Non Self-governing Territories;

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- a) that for international purposes the citizens of Puerto Rico are citizens of the United States;
- b) that a Puerto Rican citizen can ~~enter~~ freely enter the United States and that when residing in a state of the Union he automatically becomes a citizen of the state in which he resides enjoying all the political rights and privileges thereto.)

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3.) Citizens of the United States, after having resided in Puerto Rico for one year, automatically become citizens ~~of the United States.~~
of Puerto Rico.

4.) All public domain property including ports, navigable ~~streams~~ waterways, submerged lands and adjacent islands and waters, become the domain of the people of Puerto Rico and therefore of the Commonwealth of Puerto Rico, except for ~~the~~ certain ~~some~~ old fortifications originally belonging to the Spanish Crown which were reserved for 1900 for use by the federal government and other federal property acquired through purchase.

5.) The Commonwealth of Puerto Rico ~~has~~ ^(exercises) complete authority over ^(its) internal affairs. On the other hand, the functions of the U.S. government in Puerto Rico are subject to the same limitations as in the states of the Union. The Congress of the United States has therefore agreed that Puerto Rico will be beyond any control or intervention in its government and internal administration.

Furthermore, Puerto Rico is exempted from 1) United States laws locally inapplicable, which of course includes

Laws contrary to the terms
of the compact; 2) and
expressly, United States
tax laws.

606) Puerto Rico, through free elections, selects a Resident Commissioner to the United States who is ~~to be~~ recognized by the Departments of the Government of the United States as the Commissioner of Puerto Rico. ~~This recognition of the Resident Commissioner of Puerto Rico by the legislative branch of the Government of the United States, has taken the form of extending the privileges of membership without vote to the House of Representatives of the United States.~~

~~ECONOMIC UNION~~

The Commonwealth imposes and collects its own revenue tax on cigarettes, which proceeds of which are paid into the Treasury of Puerto Rico 7

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ECONOMIC UNION

Under the Puerto Rican maintains

The Federal Relations Act of Puerto Rico retains the following provisions for economic union between Puerto Rico and the United States, most of which were originally established since 1900 and upon which the economy of Puerto Rico is based:

1. ~~Tariff equal to that required in the United States must be paid on foreign products entering Puerto Rico with the exception of coffee, produced in Puerto Rico, free of duty in the United States and subject to a custom house duty on leaving Puerto Rico. Custom house fees collected in Puerto Rico go to the treasury of the Commonwealth.~~ *shall pay the same duty as paid upon entry in the United States. Excepted is coffee which enters in Puerto Rico in order to protect Puerto Rican coffee in the local market. (but is) to custom duty*

2. There are no customs duties between Puerto Rico and the United States.

3. Products of United States exported to Puerto Rico are free of internal revenues of an internal character in the United States, ~~and subject to the same taxes equal to those on domestic products of Puerto Rico under the laws of Puerto Rico. Taxes thus collected go into the treasury of the Commonwealth.~~ *but they are as applying* *and which are paid*

4. *On the contrary,* The products of Puerto Rico exported to the United States are subject before leaving Puerto Rico, to a tax equal to taxes imposed in the United States upon *the same* domestic products of the United States. *Proceeds of these taxes enter into* The income also goes to the Treasury of the Commonwealth of Puerto Rico. *Such tax on Puerto Rican rum exported to the mainland United States during the last 18 fiscal years represented an income of 261 million of the United States.*

5. The United States government collects a *processes tax* duty on sugar refined in Puerto Rico equal to that collected in the United States for the sugar refined domestically. *this duty* It goes to the federal treasury, but the federal treasury pays a subsidy for every hundred weight of sugar produced in Puerto Rico, equal to that which is paid in the United States. Puerto Rico is thus

For cigarette, in mainland United States cigarettes are exempted from the tax on them originally established since 1900 and upon which the economy of Puerto Rico is based. For cigarette, in mainland United States cigarettes are exempted from the tax on them originally established since 1900 and upon which the economy of Puerto Rico is based. For cigarette, in mainland United States cigarettes are exempted from the tax on them originally established since 1900 and upon which the economy of Puerto Rico is based.

Customs duties collected in Puerto Rico are paid into the Treasury of Puerto Rico

~~benefited in the amount of about \$15,000,000 annually, as a result of this.~~

Within the system of market ^{ing} quotas to which domestic and imported sugar in the United States is subject, Puerto Rico has a ~~quota~~ ^{quota} for sugar in the United States market higher than any other domestic region, except the best producing area ^{that of} of the United States, composed of ~~states~~ ^{states} of the

~~United States~~ ^{which comprises not less than eight states of the Union.}

6. ^{The} United States Social Security ^{system} is extended to Puerto Rico except

for unemployment insurance provisions. Since Social Security is based on payments made ^{both} by employers and ^{and under the principle that} workers, when United States Social Security ~~was originally extended to Puerto Rico, it remained in the discretion of~~ ^{Puerto Rico is not subject to federal taxation,} ~~the legislature of Puerto Rico to accept or reject it, in accordance with~~ ^{it was left to} ~~the principle of Puerto Rico's exemption from federal taxation.~~ ^{the extension of the}

^{the} Legislature of Puerto Rico approved ^{participation} the entry of Puerto Rico ^{in the system.} into the ~~federal system of United States Social Security.~~ ^(when)

7. All operating expenses of the United States government ^{services} in Puerto Rico, including defense, ~~and payments to Veterans,~~ are paid by the Treasury of the United States. The ~~cost~~ ^{expense} of the National Guard of Puerto Rico, ^{while} long as it is ⁱⁿ the service of the State, is shared by the State and federal ~~governments.~~ ^{Commonwealth and the federal government.} When it passes to the federal service, its expenses are paid ~~exclusively by the Federal Treasury.~~ ^{The National Guard becomes a federal service.}

8. Laws providing economic cooperation between the Federal government and the States of the Union for the construction of roads, schools, public health services, school lunchroom services, credit and employment service, public housing, etc., are extended to Puerto Rico. ^{operated with federal aid} All joint programs ~~are~~ ^{operated} administered by the ^{Commonwealth} State government.

~~The Commonwealth has agreed to limit the public debt to 10% of the assessed value of taxable property; on the other hand, sureties issued by the government of the Commonwealth are free of all taxation in the United~~

~~States.~~ ^{Commonwealth Government bond issues are} ~~exempted from all taxes in the United States.~~ ^{exempted from all taxes in the United States.}

expense is borne exclusively by the Federal Treasury.

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AMENDMENTS TO THE CONSTITUTION

Amendments to the Constitution of Puerto Rico are adopted by the people of Puerto Rico. They are not subject to subsequent approval by the United States Congress.

ERRONEOUS INTERPRETATIONS

A minority political party, the Independence Party, maintains that Puerto Rico has not yet achieved full self-government. According to ^{this} ~~its~~ interpretation, the Congress of the United States retains the following powers:

1) The power to revoke or amend ^{unilaterally} ~~the~~ Constitution of the Commonwealth ~~unilaterally~~.

2) The power to ^{repeal} ~~revoke~~ or unilaterally amend Law 600 and the ^{Puerto Rican} ~~Federal~~ Relations Act, upon which the ^{compact} ~~agreement~~ between the two peoples rests.

3) The power to ^{repeal} ~~revoke~~, amend or suspend any law ^{approved} ~~passed~~ by the Legislative ^{Assembly} ~~Assembly~~ of Puerto Rico.

4.) The power to enact legislation affecting the internal as well as external affairs of Puerto Rico, without restriction.

Obviously, this ^{is a mistaken} ~~interpretation~~ ~~is in error~~. Furthermore, those who hold this ^{to support it} ~~view~~ lack the necessary political or juridical authority. Only the people of Puerto Rico and the government of the United States have ^{effective} ~~the~~ authority to interpret the compact. The Independence Party has consistently held to its thesis throughout the referenda ^{held for the} ~~on~~ approval of the Constitution and the ^{Compact} ~~Compact~~, and again during the general elections of 1952. The Constitutional Assembly as well as the Puerto Rico electorate decisively rejected the Independence Party's position.

Contrary to the position taken by the Independence Party, and adhered to by nationalist and communis st groups, the people of Puerto Rico hold that the Constitution and the laws of the Commonwealth can only be amended, suspended or ^{repealed} ~~revoked~~ by the authority ~~which~~ ^{is} exclusively vested in them; that the compact between the United States and Puerto Rico can only be amended or ^{repealed} ~~revoked~~ by mutual agreement of both parties; that, as in the case of the states of the Union, Congress does not have the power to enact legislation affecting local affairs in Puerto Rico; that these powers, according to the provisions of the compact, rest solely with ^{sovereignty of the people} ~~the people~~ of Puerto Rico, and that in matters relating to external affairs, the Congress of the United States is subject, in the case of Puerto Rico, to the same Constitutional restrictions which limit its function ^{with} ~~in~~ respect to the states of the ^{Federal} ~~Union~~. This is also, in every respect, the understanding of the government of the United States ^{of America}.

This is also

Dynamics of the Commonwealth of Puerto Rico

Since the political authority of the Commonwealth ~~in respect to the internal~~ life of the people of Puerto Rico has no other limitations than that imposed upon it by its own Constitution which emanated from the will of the people, ~~the~~ government of the Commonwealth of Puerto Rico has complete authority to deal with all its fundamental problems be they economic, social or cultural ~~in nature~~.

with reference to the

Thus, the ~~work~~ ^{task} of breaking up large land ~~holdings and reducing absentee land~~ ^{holdings and of} ~~to~~, which had its beginning ~~an~~ prior to the establishment of the Commonwealth, continues under the laws of the ~~new~~ ^{new} state.

Similarly, ~~in the field of public education~~ the Commonwealth ~~has taken the~~ ^{has taken the} initiative. A realistic educational policy has been set up whereby Spanish is retained as the teaching medium in the schools, thus preserving Puerto Rico's cultural traditions, ~~and adding~~ ^{and adding} English ~~as~~ an essential tool in the development of Puerto Rico's ~~relationship~~ ^{relationship}.

Puerto Rico's progress ~~is shown by~~ the enactment of unemployment insurance for sugar cane workers and the minimum wage law.

All of this legislation is an expression of Puerto Rico's own ~~own~~ policies.

These laws have been adopted by the people of the Commonwealth as an expression of their own ~~own~~ ^{exclusive} authority for which they are entirely responsible.

The free citizens of Puerto Rico pay no tribute into the federal treasury; they receive ~~assistance and~~ cooperation from the United States Government for social, economic and educational purposes, without any limitation placed upon their autonomy. Thus ~~Puerto Rico~~ ^{The Commonwealth of} can make use of all of its resources for ~~pre~~ ^{programs,} ~~grams~~ of social, economic and cultural development ~~in accordance with their own~~ ^{its} philosophy and subject to their own decisions.

The ~~principle~~ ^{cardinal} of ~~mutual agreement~~ ^{association} is the basis upon which the relations between the United States and Puerto Rico rest. This ~~agreement~~ ^{compact} can be changed ~~but only by mutual consent,~~ ^{bilaterally,} thus insuring the development of ~~this~~ ^{with the United States under} relationships under conditions most favorable to the Commonwealth.

Puerto Rico's political ~~structure~~ ^{life} embodies the substance of true ~~popular~~ ^{sovereignty} rule. Government ~~derives~~ ^{obtains} entirely from free decisions ~~made~~ through the ballot, ~~as does the~~ ^{based on a} Constitution which ~~was~~ drafted and approved by the people themselves, and which can only be altered by the people. ~~The~~ ^{the} planning for the country's social and economic development is made possible by the Commonwealth government's control over the ~~use of its people's entire potential monetary contribution.~~ ^{fiscal revenues provided by the people.} With free access to the world's richest consumer market guaranteed, transformation into an

Still

ownership by virtue of its full control

policies and decisions

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industrial society with a high living standard becomes possible. Since the United States recognizes that its relationship with Puerto Rico is based ^{upon} free determination and the principle of mutual agreement, the ^{way} path remains open for future expressions of the will of ^{the people} Puerto Rico ~~people~~ through the exercise of ~~the vote as a part of~~ the democratic process ^{of the ballot.}

The Commonwealth of Puerto Rico, the result of a people's creative ^{life} vitality, ~~introduces~~ a new form of political relationship ^{two} between ~~one~~ people and another, ~~a new kind of association,~~ into the international scene. ~~The last vestige of colonialism is eradicated in Puerto Rico, and its people enter an era of freedom in harmony with their cultural values, their economic needs and their ~~firm~~ belief in social justice.~~

requirements of social justice.

With this formula the last vestige of colonialism is eradicated in Puerto Rico. A ~~new~~ people in America enters an era of freedom

changes in the international stage

The UNION

PROVISIONS COVERING POLITICAL UNIONS

Puerto Rican

make the following provisions

The Federal Relations Act of Puerto Rico retains the following measures relating

for → to political union between the United States and Puerto Rico:

1.) The privileges and immunities of citizens of the United States will be respected in Puerto Rico in the same manner as if Puerto Rico were a member state of the Federal Union and were subject to the provisions of the first paragraph of ~~the~~ Section Two (Article IV) ~~second section~~ of ~~the~~ fourth article of the Constitution of the United States, which reads as follows: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

2.) The citizens of Puerto Rico are citizens of the United States. (United States citizenship, with which Puerto Ricans are invested, as interpreted by the Supreme Court of the United States, means: ~~see interpretation Balsa vs. People~~ →

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FOR RELEASE ON DELIVERY
Press Release
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."

UNITED STATES MISSION TO THE UNITED NATIONS

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FOR RELEASE ON DELIVERY

Press Release No. 1741
August 28, 1953.

Statement by Mr. Mason Sears, United States
Representative in the Committee on Information
from Non-Self Governing Territories, August 28, 1953

MR. CHAIRMAN,