

July 13, 1955

M E M O R A N D U M

T o : The Acting Governor of Puerto Rico  
F r o m : Cándido Oliveras  
Subject : Suggestion for Commonwealth Participation in the Federal  
Legislative Process.

The attached memorandum analyzes the Netherlands-Surinam relationship and its possible significance for Puerto Rico. If Governor Muñoz plans to visit the Netherlands, this memorandum might be of use to him. The last section beginning on page 13 is of particular interest, since it suggests that the principle involved in the arrangement for Surinam's participation in Netherlands Kingdom legislation is adaptable to Puerto Rico's need to participate in Federal legislation, without an amendment of the U. S. Constitution being necessary.

The suggestion is that the U. S. Congress could agree that a measure shall be deemed inapplicable to Puerto Rico if the Resident Commissioner states, prior to final vote on the measure in each House, that the measure is objectionable to the Government of Puerto Rico, unless by separate vote in each House on the question of the applicability of the measure to Puerto Rico two-thirds (or a specified number more than a simple majority) of the members voting decide that the measure shall be applicable to Puerto Rico.

The Resident Commissioner would not cast a vote and his objection to a measure would carry weight only insofar as the measure's application to Puerto Rico is concerned. Moreover, the objections of the Government of Puerto Rico could be overruled if deemed necessary in the national interest.

On the other hand, Puerto Rico would be able indirectly to cast votes against the application of a measure to Puerto Rico just as effectively as if it had the same representation in the Congress, and more so if the Congress agreed that a measure objectionable to Puerto Rico could only be passed by a two-thirds majority vote. Moreover, Puerto Rico would always have a psychological advantage, since even the members who support a law would be disinclined to make it applicable to Puerto Rico over the Commonwealth objections--assuming the objections are reasonable. In brief, the memorandum takes the position that such an arrangement would give the Commonwealth effective representation in Federal legislation intended for application to Puerto Rico, without giving cause for charges of representation without taxation.

The applicability of other features of the Netherlands-Surinam relationship to Federal-Commonwealth relations is also discussed in this memorandum.