

Thursday, May 29, 1952

## Puerto Rican Charter

The House of Representatives voted yesterday to approve Puerto Rico's new constitution, subject to two minor changes to be made by the Puerto Ricans themselves; and the Senate Insular Affairs Committee has recommended Senate ratification subject to the same two conditions. They are not serious changes but they are undoubtedly irritating to the Puerto Ricans who indorsed the proposed constitution in a free popular election after it had been drafted by a convention in full conformity with the provisions of Public Law 600 adopted by Congress in 1950. It has already been approved by the President, who sent it to Congress certifying that it met the requirements of Public Law 600—that is, that it provided for a republican form of government, conformed to the Constitution of the United States and contained a satisfactory Bill of Rights.

The new charter is modeled in most respects on the Constitution of the United States. It protects from governmental encroachment the essential liberties of the individual and of minority groups which Americans have always recognized as indispensable to government by the consent of the governed. In addition, however—and this is one portion of the charter

that the House stumbled over—it contains a section stipulating that “the commonwealth also recognizes the existence of the following human rights”—among them the right to education, to obtain work, to a decent standard of living, to “social protection.” The other portion which has occasioned some question in Congress provides for a system of “free and wholly unsectarian public education.” Admittedly, these are aspirations rather than “rights” in the usual American sense of the term. They resemble some of the rhetorical assertions included in certain proposed United Nations covenants.

Perhaps it would be better to keep such rhetoric out of a constitution. In the case of Puerto Rico, the constitution candidly recognizes that “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.” Thus they represent ideals. If the people of Puerto Rico want to express these ideals in their fundamental law, surely no member of Congress ought to object. As Representative Javits observed when the issue was debated in the House,

“It was not and could not have been Congress' intention that the people of Puerto Rico were to be inhibited in their constitution by what any of us would be for or against in our respective State constitutions or in our Federal Constitution. What we asked for was a fair exercise of the will of the people of Puerto Rico within the framework of our ideas of constitutional democracy. This, I believe, they have accomplished.”

Like the constitutions of some of the older States of the Union, this constitution of Puerto Rico is an expression of the peculiar character and needs and circumstances of the people who drafted it. It provides for genuine self-government through free institutions, and it is what the Puerto Ricans want. That ought to be enough to satisfy their fellow Americans. Congressional ratification of this charter will be the final act in a record of growth from colonial dependence to free and voluntary association—a record which refutes the Communist taunts about capitalist imperialism and in which the United States is entitled to tremendous pride. The Puerto Rican constitution is a testimonial to the uses of freedom.