

Nullification

It is a major misfortune that the Senate allowed itself to be misled—more by the pressure of time and the desire to recess than by any sort of rational persuasion—into adopting a reservation to the Puerto Rican constitution which goes far toward nullifying it. The reservation, proposed by Senator Olin Johnston, provides “that no amendment to or revision of the constitution of the Commonwealth of Puerto Rico shall be effective until approved by the Congress of the United States.” This undoes the unique character of the relationship to the United States which the constitution contemplated. It cannot fail to bring keen disappointment to the people of Puerto Rico.

When Congress adopted Public Law 600 in 1950, it set forth clear conditions under which it authorized Puerto Rico to adopt a constitution. These conditions were that the constitution should assure a republican form of government, that it should conform to the Constitution of the United States, that it should contain an adequate bill of rights and that it should confine itself to matters of local self-government. All of these conditions were fully met by the constitution, drafted in Puerto Rico by a constitutional convention and ratified by the people of the island. The House approved the document with a couple of minor reservations which the Puerto Ricans could accept without difficulty. But Senator Johnston’s reservation deprives it of one of the essential characteristics of a constitution.

There is no need for this reservation. As Senator O’Mahoney pointed out, the constitution already contains a provision that no amendment “shall alter the republican form of government established by it or abolish its bill of rights.” Any amendments would necessarily have to be in conformity with Law 600. The intent of Congress when it authorized the drafting of the constitution was to grant Puerto Rico complete autonomy in local affairs—to grant it as the Puerto Ricans understood it, a kind of associated, instead of federated, statehood. Within the limits of the autonomy granted to it, Puerto Rico should have the same freedom to amend its constitution that any of the federated States enjoys. To deny it this freedom is, indeed, to deny it the essence of a republican form of government.

The United States no less than Puerto Rico suffers from the niggling Johnston reservation. For the grant of a free constitution providing for complete home rule was an effective demonstration to the world

of American statesmanship in dealing with a colonial dependency. That demonstration has now been clouded. We hope fervently that the cloud can be cleared when the measure goes to conference. The United States has made a pledge to Puerto Rico, and American honor demands that it be fulfilled with magnanimity.