Statement by Dr. Antonio Fernos-Isern, Resident Commissioner of the Commonwealth of Puerto Rico, U.S. Alternate Representative to the Committee on Information from Non-Self-Governing Territories, August 28, 1953.

Mr. Chairman:

The Constitution of the Commonwealth of Puerto Rico and the terms of the compact governing its political and economic relations, solemnly entered into by the people of Puerto Rico and the United States of America, are the product of the free determination of the Puerto Rican people.

Before proceeding may I state that, with respect to the people of Puerto Rico, I hold the office of Resident Commissioner of Puerto Rico and as such am recognized by the several departments, including the legislative department, of the Government of the United States. This is an elective office. Elections in Puerto Rico are based on universal suffrage, any male or female over 21 being able to vote without any property or literacy requirements. I have held the office of Resident Commissioner since 1946, at first by appointment; by election since 1948. In 1952 I was reelected by approximately 65 per cent of the total vote cast, and by a margin of about 305,000 votes over the number received by my nearest opponent, who obtained 19 per cent of the votes cast for Resident Commissioner. During the whole process of establishing the Commonwealth of Puerto Rico I have had the solemn obligation to represent the will of the Puerto Rican people, both as regards the political status which they have chosen for themselves and as regards the other aspects of their democratic will.

Before this committee of the United Nations I have the honor to represent the Government of the United States. It is obvious that I could not have accepted this honor if the position of the United States with respect to the political status which Puerto Rico has attained were not the same as that which the Puerto Rican people have enjoined me to uphold. Possibly this is the symbol which, humble though I be, indicates most clearly the profoundly democratic reality of the relation between the United States and the Commonwealth of Puerto Rico.

An island of 3,500 square miles and 2,200,000 inhabitants, Puerto Rico became a part of Western civilization in 1508, fifteen years after the discovery of the island by Christopher Columbus. From the island of Hispaniola, first site of Spanish colonization in America, Juan Ponce de Leon with other settlers went over to the
Puerto Rico continued to be united to Spain until 1898. Under the Treaty of Paris of 1898, the Spanish Crown ceded its sovereignty over Puerto Rico to the United States. Then began a new chapter in the history of the Puerto Rican people.

After a brief period of military government, the Congress of the United States enacted in 1900 a provisional charter of government for Puerto Rico which included a series of provisions under which the political and economic relations of Puerto Rico with the United States were determined. That is to say, a government was established to deal with the internal affairs, while at the same time the Government of the United States, acting through its agencies, functioned in Puerto Rico in a manner analogous to that in which it functioned in several states of the Union in accordance with the federal system of government.

The Congress of the United States established the structure of local government and the political, economic and fiscal relationship between Puerto Rico and the United States, which in general terms may be described as follows: The executive power was vested in a governor appointed by the President of the United States. The heads of the executive departments of the insular government were also appointed by the President. Local powers of legislation were vested in a legislative assembly composed of two houses: 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 were appointed by the President with the consent of the United States Senate; while judges of the lower courts were either appointed by the Governor or elected by the people.

The organic act also provided for the election of a Resident Commissioner to the United States to be recognized by all the departments of the Federal Government. Subsequently the House of Representatives accorded to the Resident Commissioner all the privileges of membership in that body except the right to vote. This arrangement has continued until the present time. The inhabitants of the Island were declared citizens of Puerto Rico with the right of protection by the United States. Free Trade as well as a common monetary system were established and federal laws were declared applicable to Puerto Rico as in the United States, except tax laws.

By virtue of a series of congressional enactments, Puerto Rico enjoyed a progressive development toward self-government. By 1917 its legislative and executive branches were wholly in the hands of officials elected by the people of Puerto Rico. The President of the United States retained the power to appoint the justices of the Supreme Court of Puerto Rico and the Auditor. By virtue of a congressional enactment Puerto Ricans had been citizens of the United States since 1917.

Meanwhile, during this progressive development of the Puerto Rican political system, a long debate had been taking place concerning various formulas of political status. The following concepts were debated: constitutional integration into the federal system of the United States as a State of the Union; independence; and other forms of self-government. It was evident in the debate that the Puerto Rican people desired a form of full self-government in accord with its social, historical, economic and cultural circumstances.
In 1940 a new political organization, the Popular Democratic Party, won the elections and has since gained an increasing popular support. At the beginning this party took the position that for the time being the debate over political status should be set aside and that the energies of the people should be directed to the solution of pressing economic and social problems. This is not to say that the people of Puerto Rico abandoned their fundamental political aspirations or that the new party urged that they be forsaken. From 1940 to 1944 the Popular Democratic Party laid the basis for a positive economic and social development of Puerto Rico. In 1944, this party reopened the question of Puerto Rico's political status. Consideration was given to the proposal of consulting the people in a plebiscite in which several alternatives would be offered so that the people could indicate their own choice in the matter. The fact that a popular consultation of this nature was considered as a way of resolving the political problem, seemed to be an indication that public opinion, was beginning to take shape, but had not yet crystallized. By 1948, however, the three basic alternatives were presented to the electorate at the polls, each being advocated by a different political party. Thus in the 1948 elections the Puerto Rican people had a clear opportunity to express their views on the question of political status.

It was at that time that the Popular Democratic Party adopted the program which led to the present political status of Puerto Rico. It advocated the establishment of a commonwealth linked to the United States by political and economic ties which the party considered essential to the economic welfare and security of Puerto Rico. A coalition of parties committed to the principle of full assimilation favored the admission of Puerto Rico into the Federal Union as a state. The Independence Party, just recently organized proposed complete separation from the United States and the establishment of an independent republic. With this background the general elections of 1948 were held. The results showed an unequivocal expression of the people's will. The Popular Democratic Party obtained 392,386 votes; the Coalition obtained 182,977 votes; and the Independence Party received 65,351 votes.

The people of Puerto Rico have held fast to the course which they then set for themselves. They have emphatically reaffirmed their decision in a series of referenda held during the period when the new Constitution was in the process of drafting and adoption, as well as in the general election held in November 1952 after the establishment of the Commonwealth. In the latter election, the Popular Democratic Party obtained 1,331,409 votes and the Independence Party 126,228 votes; while the Statehood and Socialist parties, formerly members of the Coalition, received 85,591 and 21,719 votes respectively, or a total of 107,330 votes.

On March 13, 1950, in accordance with the results of the 1948 election, the Resident Commissioner of Puerto Rico introduced a bill in the United States House of Representatives initiating the process which led to the establishment of the Commonwealth. A few months later Congress adopted the measure (Public Law 600 of the 81st Congress) in the nature of compact which had to be submitted to the people of Puerto Rico for their approval or rejection.

Then began in Puerto Rico a serious political debate in which all points of view were freely expressed through all the media which a free and democratic society can provide. It was a debate in which all political parties — the advocates of the compact as well as the opponents — took an active part. The result of the referendum was the following: in favor of the compact, 387,016 votes; opposed, 119,169,
Puerto Rico fully.

which, in the exercise of our natural welfare, placing complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth, which, in the exercise of our natural rights, we now create within our union with the United States of America."

It should be pointed out that the Constitution of Puerto Rico was adopted in both Spanish and English. In the English version the word Commonwealth was used, while in Spanish the expression "Estado Libre Asociado" was employed.

Resolution No. 22, approved in the plenary session of the Constitutional Convention held on February 4, 1952, reads as follows:

"The word commonwealth in contemporary English usage means a politically organized community, that is to say, a state (using the word in the generic sense) 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 further, "the single word commonwealth, as currently used, clearly defines the status of the body politic created under the terms of the compact existing between the people of Puerto Rico and the United States, i.e., that of 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 in its first article proclaims the creation of the Commonwealth of Puerto Rico whose "political power emanates from the people". This political power is to be exercised in accordance with the will of the people "within the terms of the compact of Puerto Rico and the United States of America". The Constitution also declares that the Government of the Commonwealth of Puerto Rico shall be republican in form and that its legislative, judicial and executive branches are subordinate to the sovereignty of the people of Puerto Rico. It adds that the political authority of the Commonwealth of Puerto Rico extend to the Island of Puerto Rico and to the adjacent islands within its jurisdiction. The Constitution contains a bill of rights, provisions of a general character and still others of a transitory character, and it provides for its own amendment, a process in which the decision of the people, consulted in a referendum, is final.

Until July 25, 1952, the government of the Island, in spite of the large degree of self-government which Puerto Rico already enjoyed, had been based on a charter granted by the Congress of the United States. The structure of the basic governmental institutions of Puerto Rico, even though following an undeniably republican pattern, derived from an organic law enacted by the Congress. The people of Puerto Rico already elected a chief executive and the entire legislative body. The justices of the Supreme Court of Puerto Rico as well as the Auditor were, however, appointed by the President of the United States.

Under the organic act the Congress had reserved to itself the power to annul laws adopted by the Puerto Rican legislature. In case a law was vetoed by the Governor, its readoption by a two-thirds vote of the legislature did not override the veto. The final decision remained with the President of the United States.

This political situation changed fundamentally with the achievement of full self-government by the people of Puerto Rico under their own Constitution and within the compact agreed upon. The basis for the political relationship theretofore existing between both peoples was changed to that of voluntary association under the compact, and any semblance of a colonial relationship was eliminated.

As of July 25, 1952, the jurisdiction of the Federal Government in Puerto Rico is based on a bilateral compact to which it is a party and into which the people of Puerto Rico have entered of their own volition. The Puerto Rican state of today has been created by the will of the people, in the exercise of their natural rights. The limitations to the sovereignty of the Commonwealth of Puerto Rico are those agreed to by its people. In consequence, Puerto Rico is today in the most profoundly/sense of the word a free people voluntarily associated with the United States of America.

It is worth noting in this connection that the system of economic relations which Congress established in 1900 between the United States and Puerto Rico has assured tariff-free trade between both areas, thus giving the products of Puerto Rico free access to the United States market. This system of free trade is essential to the economic life of Puerto Rico and has remained in effect under the terms of the compact. Similarly, it should be pointed out that the people of Puerto Rico who are today citizens of the Commonwealth continue to be citizens of the United States of America, with free access to the entire country and with the right to complete freedom of movement therein. The importance of this provision can be judged by the number of Puerto Ricans now residing in the United States. These Puerto Ricans, as well as all those who will reside here in the future, become automatically incorporated into the political life of the country and have the right to vote in state and national elections simply by virtue of their residence and as prerogative of their citizenship.
A study of the political development of Puerto Rico makes clear the fact that the Puerto Rican people have worked out a free, democratic, and fully self-governing way of life, and that they have taken care to give it a form harmonious with their basic problems, that is to say, in accord with their geographic, economic and cultural circumstances.

Puerto Rico has not detached itself from the United States to form an independent state nor has it become integrated into the Federal Union, which would mean constitutional assimilation and would entail also its cultural assimilation. In establishing their commonwealth the people of Puerto Rico have created it within a framework of relations with the United States which in large measure parallel those of the federal system and are yet especially adapted to Puerto Rican circumstances. In scope of sovereignty, Puerto Rico may be compared to the States in the Union, though it should be pointed out that, unlike the States, Puerto Rico enjoys complete fiscal autonomy. In Puerto Rico, only the commonwealth government has the power to tax its citizens. In the continental United States, on the other hand, the taxing power within each state is shared by the federal and state government. Thus, the citizens of Puerto Rico are not subject to fiscal obligations other than those which their own elected representatives in their own legislative body impose upon them, and in consequence this legislative body is the one which has exclusive power to set final policy and to direct governmental action toward the economic and social development of Puerto Rico.

In reaching the Commonwealth status the people of Puerto Rico have full jurisdiction over all phases of their internal commerce, a power formerly subject to the limits which might be placed upon it by Acts of the Congress of the United States. In this sense, Puerto Rico is in a situation analogous to that of a State of the Union, for by the terms of the compact the acts of Congress in effect in Puerto Rico (save internal revenue laws) are applied as elsewhere in the United States and within the same limitations. On the other hand, none of the members of any of the three branches of the Government of the Commonwealth is subject to the authority or owes his appointment to any other power than that of the people of Puerto Rico exercised under the provisions of the Commonwealth Constitution and in conformity with the laws which the people of Puerto Rico have given themselves.

The Governor, elected by the people, appoints the members of his cabinet with the advice and consent of the Senate of the Commonwealth. The Auditor, previously appointed by the President, has been replaced by a Controller named by the Governor with the advice and consent of both houses and responsible only to the legislative branch. The structure of the Puerto Rican judiciary is determined by the Commonwealth Constitution. The justices of the Supreme Court of Puerto Rico as well as the judges of the lower courts receive their appointments from the Governor with the advice and consent of the Senate of Puerto Rico. Under the terms of the compact the judicial system of the Commonwealth is integrated into the Federal judicial system on conditions analogous to those which integrate into the Federal judiciary the judicial systems of the States of the Union. Equally with their fellow-citizens of the States, the citizens of Puerto Rico can appeal in the last instance to the Supreme Court of the United States. Equally with the supreme tribunals of the Federated States, the Supreme Court of Puerto Rico is the arbiter concerning the meaning of the Constitution and laws of Puerto Rico. The integration into the federal judiciary serves the primary purpose, indispensable in any federal system, of interpreting the applicable provisions of federal laws and of the Federal Constitution.

Under the Constitution of the Commonwealth, the Legislative Assembly may be authorized to provide for the flag, the Coat of Arms, and the Anthem of the Commonwealth. By legislative action the lone star flag, with the blue triangle and the red and white stripes, the old coat of arms granted by the Catholic kings and "La Borinquena" are today the flag, the coat of arms and the anthem of the Commonwealth.
In order that you may have a complete picture of the political situation in Puerto Rico, I wish now to point out that the Puerto Rican Independence Party not only objected vigorously to the acceptance of the compact, and refused to put up candidates in the election of delegates to the Constitutional Convention but opposed the ratification of the Constitution by the people, and to this day interprets the compact, the Constitution, and the present status of Puerto Rico in a manner totally different from that of the great majority of the Puerto Rican people. The Independence Party put its point of view before the Puerto Rican electorate in the referenda held during the constitutional period and later in the general election of November, 1952 when the Commonwealth had already been established. In the latter election the Independence Party nominated candidates for the legislature, for Governor and for Resident Commissioner, with the results already mentioned.

It is the thesis of the Independence Party, according to an official communication from its President received by the United States Mission to the United Nations, that Puerto Rico continues to be subject to the absolute control of the Congress of the United States and that the people of Puerto Rico continue to be non-self-governing. According to this document the Independence Party alleges that Public Law 600 of 1950 did not recognize the Puerto Rican people's right to adopt their own Constitution but only allowed them to propose amendments to the Organic Act then in effect. The Independence Party considers that the present Constitution of Puerto Rico is itself an act of Congress; that the Constitution is essentially a colonial document which does not grant any real power to the people of Puerto Rico to solve their own problems. The Independence Party alleges further that there has been no change whatever in the basic relationship between Puerto Rico and the United States. For these and similar reasons, the Independence Party considers that the United States ought to continue to transmit information on Puerto Rico to the United Nations.

May I stress the fact that these points of view were fully developed by the Independence Party and were sharply rejected by the Puerto Rican people in the several elections and referenda from 1948 to the present time. The position taken by the Independence Party is of course also contrary to that upheld by the Government of the United States.

Of comparable importance as minority parties are the two other political parties of Puerto Rico which polled together a total of 107,000 votes in the 1952 elections. They represent the point of view of those Puerto Ricans who advocate full membership in the Federal Union as a state. These parties do not question the fact that Puerto Rico has achieved a full measure of self-government. Therefore, the decision which the United States has taken to cease transmitting information on Puerto Rico under Article 73(e) of the Charter has the support of more than 90% of the Puerto Rican electorate.

The Puerto Rican community has attained full self-government, as much in political affairs as in economic, social, and cultural. The people of Puerto Rico hold in their own hands the destiny of their internal government. In Puerto Rico there are no minority groups who have reached a position of economic privilege by virtue of external authority. The Puerto Rican people have won their own freedom without external restrictions of any kind.

Puerto Rico has a long and stable democratic tradition. The provisions of its electoral law, in addition to the profound democratic sense of the people, assure the fullest expression of the will of the people through secret and universal suffrage. The electoral law adopted many years ago, and by a Legislative Assembly with a political composition quite different from the present one, by established tradition is not amended unless it be approved by all registered political parties. An extraordinarily high proportion of the people participate in elections. The strikingly democratic character of the electoral process is one of the traditions of which the Puerto Rican people are most proud.
They are equally proud of their determination to keep open the channels of the free expression of public opinion. The organization of political parties in Puerto Rico is protected by law. Without going back any further, in the year 1947 when it was evident that public opinion in Puerto Rico was crystallizing into three groups, one of which, that of the advocates of independence, was not then established as a political party, the legislature (in which were represented all the other parties), reduced the legal requirements for the registration of new parties. The number of signatures required by law for petitions was at that time not less than 10% of the number of voters who participated in the last previous election. This figure was reduced to 5% in the year 1947, thus facilitating the organization of the Independence Party.

Similarly, the Puerto Rican people are concerned that all groups of organized opinion obtain adequate representation in the legislature. By contrast with the provisions in effect prior to the adoption of the Constitution, Article III provides for the seating of additional legislators from the minority parties, over and above those regularly elected, in order to make their strength in each house roughly proportionate to the strength shown by the total votes cast for their respective parties. Before the adoption of the Commonwealth Constitution, the minority parties had only two seats out of 19 in the Senate and only one seat out of 39 in the House, whereas in the first election after the approval of the Constitution the number of minority senators was 9 out of 32 and the number of minority members in the House of Representatives was 17 out of 64. It should be noted that the number of votes cast for the majority party in 1948 was 392,636 and in 1952, 431,409, whereas the total number of votes received by the minority parties was 218,328 in 1948 and 233,528 in 1952. Thus, though the minority vote has decreased, the minority representation in the Legislative Assembly has substantially increased.

The program of economic, social and cultural development which has been carried out in Puerto Rico since even before the establishment of the Commonwealth has been conceived in the spirit of freedom. Puerto Rico is trying to be realistic in its use of the great energies of private enterprise in those aspects of its economic development in which such energies are usable, and is also taking advantage of democratic planning where the public interest calls for governmental initiative. The agrarian reform undertaken to recover the land from great concentrations of ownership in order to put it in the hands of the small farmer, the program for the diversification of agriculture, the development of electric power, the low-cost housing program — all these are eloquent proof of the efforts Puerto Rico has been making in its quest for a better and free life. The intensity of its efforts to improve economic standards and to enrich human values are well known throughout the world. As was mentioned earlier in this committee during the discussion on education, and with reference to technical assistance to underdeveloped countries, Puerto Rico on her own initiative has become a center for such activities for more than 700 scholarship students from Latin America, Europe, Africa, Asia and New Zealand — i.e., from all the continents of the world. With their own eyes they have been able to see the imagination and energy with which the Puerto Rican people have confronted their very grave problems and how this effort has been developed in a thoroughly democratic manner. It goes without saying that a country in which the spirit of liberty is not respected could not very well have provided adequate ground for such a program of technical assistance.

The clean democratic life of the people of Puerto Rico has so strengthened their faith in liberty that they have been and always will be ready to defend it with their lives whenever it has been or may be in danger of perishing. Whenever such danger has faced the free world, the Puerto Ricans have always taken up their posts of duty and honor in response to the demands democracy has made upon them.
In 1917 when the free world had to face aggression in the first World War, the people of Puerto Rico, through the voice of their representatives in the Legislative Assembly, placed themselves on the side of the free peoples of the world, and got ready to defend with their lives that which was the essence of their own existence and that of the other free peoples. When the Second World War broke out, more than 59,000 Puerto Ricans were called to military service. In the face of the danger that the free world might lose its democratic way of life more than 70,000 Puerto Ricans volunteered to serve under the standards of democracy.

On a third occasion, the outbreak of the conflict in Korea, the Puerto Ricans showed the same readiness to fight in defense of the free world and of the principles of the United Nations. Out of the 43,431 Puerto Ricans who entered the armed forces of the United States from September 1950 to July 31, 1953 more than 23,000 were volunteers. In conclusion, it is important to point out that the political formula and procedures which have culminated in the changed relations between Puerto Rico and the United States and in the adoption of the bilateral compact and the Commonwealth Constitution were initiated by the people of Puerto Rico themselves, participating in the whole process always on the basis of the free decisions of the Puerto Rican electorate.

Upon the proclamation of the Commonwealth Constitution, within the terms of the political relations with the United States as established by the compact, Puerto Rico has declared that it considers that its basic political problem is solved, inasmuch as it has achieved sovereignty through a political and economic relationship essential to its development and even to its very existence. It was undoubtedly in terms of this criterion that the Constitutional Convention in its Resolution No. 23 declared:

"Whereas, the Constitutional Convention of Puerto Rico, in fulfilling the important mission assigned it by the people, has approved a Constitution for the Commonwealth of Puerto Rico within the terms of the compact entered into with the United States of America;


(d) 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. Nothing can surpass in political dignity the principle of mutual consent and of compacts freely agreed upon. The spirit of the people of Puerto Rico is free for great undertakings now and in the future. Having full political dignity the Commonwealth of Puerto Rico may develop in other ways by modifications of the Compact through mutual consent.

(e) The people of Puerto Rico reserve the right to propose and to accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the people of Puerto Rico and the United States of America."

Furthermore, the President of the United States, in a letter addressed to the Governor of Puerto Rico on the occasion of the first anniversary of the establishment of the Commonwealth, July 25th of this year, said the following:
"Dear Governor Munoz: I am happy to extend to the people of Puerto Rico my heartfelt congratulations upon their celebration of the first anniversary of their Commonwealth. This memorable day also marks the fifty-fifth anniversary of the close association and friendship that have existed between the people of Puerto Rico and their fellow citizens of this Union of States.

"Our bond of common citizenship means common freedom — the freedom of the sovereign will of the people to rule the people's destiny. — Today, when the evil forces of tyranny are so tirelessly at work, we are more than ever united in our resolve to preserve this common treasure.

"We know that our voluntary association — first proposed by the people of Puerto Rico themselves and then enacted into law by the Congress — is eloquent testimony to a half century of ever growing mutual respect and understanding. I have learned with profound interest of many of the achievements of the people of Puerto Rico under the free institutions they have created in their own Commonwealth. I share with them their deep pride in these accomplishments.

"The union which we share will endure because it is founded on freedom. Time may bring changes in its outward forms and expressions, but they shall ever be expressions of the mutual trust and the mutual friendship binding us today and always.

Sincerely,

(Signed) Dwight D. Eisenhower"

May I end this statement, Mr. Chairman, with the following remark: Although the people of Puerto Rico realize that the Commonwealth is a political status in itself, subject to growth within itself, the people of Puerto Rico also understand that there is nothing in such status which precludes its ever being changed in the same way that it was created, by common consent and with due regard to the principle of self-determination. The law which establishes the compact fully recognizes the "principle of government by consent". The tradition in the United States, according to the Philippines the status which the majority of their people requested, does not leave room for reasonable doubt concerning what the attitude of the United States would be toward a similar petition advanced by a Puerto Rican majority. I can say this with complete confidence, as a representative here of the United States. With equal confidence I can say it anywhere as an elected representative of the people of Puerto Rico.