January 17, 1953

Copy

The Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

On October 9, 1952, the Acting Secretary of the Interior Mr. Northrop, sent to the Secretary of State a letter reporting that the people of Puerto Rico have attained a full measure of self-government and requesting that whatever steps appear necessary should be taken to give due recognition to that fact and to the establishment of the Commonwealth of Puerto Rico. A copy of this letter was made available to us by the Office of Territories.

I wish to express to you my appreciation of this further indication of the cooperation of the Department of the Interior with the Commonwealth of Puerto Rico. The Department has, by this communication to the Secretary of State, again manifested its intent to facilitate the complete recognition of the new status of Puerto Rico under its constitution and its compact with the Government of the United States.

However, there is one aspect of the letter of October 9 that is deeply disturbing. On page 5 of the copy furnished to me, the statement is made that Puerto Rico "remains a territory of the United States". Similar reference appear elsewhere in the letter. For example, in the first paragraph, it is stated that "the people of Puerto Rico have attained a full measure of self-government, consistent with Puerto Rico's status as a territory of the United States". At another point on page 5, the letter states that "Puerto Rico occupies a unique position among the territories".

These statements, would, of course, cause no concern if they were used merely in a geographical sense to indicate the fact that Puerto Rico remains a part of the United States. However, as used in the letter, the term "territory" is employed to characterize the Commonwealth's political and legal status. This characterization is unnecessary to the purpose and substance of the letter; it is inaccurate in that the legal consequences and implications of the term "territory"
are not applicable to the Commonwealth; and it is apt to result in confusion and misunderstanding which may lead to unnecessary difficulties in Puerto Rico and undesirable results in the courts.

The Acting Secretary's letter recognizes that the Commonwealth of Puerto Rico is unique. The Commonwealth was created by a compact between the Government of the United States and the people of Puerto Rico. It was not constituted merely as the result of the exercise by the Congress of its power under the territories clause of the Constitution of the United States, or of its sovereign rights. The form, content and continued existence of the Commonwealth, as well as its origin, depend not on the unilateral power of the Congress, but upon the bilateral will of the people of Puerto Rico and the Government of the United States. The Commonwealth cannot be altered or abolished by the Congress alone, acting under the territories clause or otherwise; nor may the Congress intervene or interfere with the exercise of the jurisdiction with which the people of Puerto Rico in the Constitution of the Commonwealth have invested their government, pursuant to the compact.

In short, the plenary power which the Congress possesses and exercises under the Constitution of the United States with respect to "territories" does not now extend to the Commonwealth of Puerto Rico. This is the clear understanding of the people of Puerto Rico. We recognize, of course, that many questions will arise as to the precise effect of the compact and the Constitution in specific situations, which will ultimately require determination by the courts. The decision of the courts as to these questions should not be subjected to the prejudice which, in my opinion, would result from characterizing the Commonwealth as a "territory".

The people of Puerto Rico believe that in cooperation and unity with the Government of the United States, they have created a political entity which, in substance and in form, is free from any vestige of colonialism. They would be profoundly disturbed if the terms " territory", "dependency" or "possession" were applied to the Commonwealth, because none of them appropriately connotes the spirit or the substance of our political situation.

It is for these reasons that I request that you reconsider the portions of the Acting Secretary's letter to which I have referred. It is not necessary for me at this time to ask that
you express concurrence with the views that I have stated that the Commonwealth of Puerto Rico cannot appropriately be referred to as a "territory". The immediate point is that this characterization is entirely unnecessary to the Acting Secretary's letter. At present, I request merely that you eliminate the quoted phrases in the letter to the Secretary of State as unnecessary to the purpose and substance of the document. If you will do this, it will avoid possible misunderstanding in Puerto Rico and elsewhere, and will facilitate the proper delineation by the courts in individual cases, of the detailed effect and character of the compact and Constitution. I sincerely believe that a clear and consistent recognition of the new status of Puerto Rico will redound to the greater world prestige of the United States as well as the spiritual welfare of Puerto Rico.

Accept my thanks for your consideration of this matter which may be of serious consequence to the program upon which we have so long labored.

Sincerely yours,

LUIS MUÑOZ MARIN
Governor
Commonwealth of Puerto Rico