

81st CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 2275

PROVIDING FOR THE ORGANIZATION OF A CONSTITUTIONAL GOVERNMENT BY THE PEOPLE OF PUERTO RICO

JUNE 19, 1950.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ASPINALL, from the Committee on Public Lands, submitted the following

REPORT

[To accompany S. 3336]

The Committee on Public Lands to whom was referred the bill (S. 3336) to provide for the organization of a constitutional government by the people of Puerto Rico, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

This bill would authorize the people of Puerto Rico to adopt their own constitution and to organize a local government which, under the terms of S. 3336, would be required to be republican in form and contain the fundamental civil guaranties of a bill of rights. Specific provision is made for an island-wide referendum in which the people of Puerto Rico will be given the opportunity to accept or reject this legislative proposal.

A provision also is made in the bill for the submission to, and ratification by Congress, of any proposed constitution before it becomes effective, and the bill specifically provides that it shall not become effective until it is approved by a majority of the voters participating in an island-wide referendum.

In 1917 the Congress established the framework of Puerto Rico's government by enacting the Organic Act of Puerto Rico. This act

created a popularly elected legislature with broad powers in local legislative matters, and provides for an executive branch and judicial branch of the government. The people of Puerto Rico were authorized to elect a Resident Commissioner, accredited to the Department of State and to be recognized as such Commissioner by all departments of the United States Government. Besides, he has been extended the privileges of membership in the House of Representatives, with power to serve on committees, to introduce legislation, and to be heard on the floor of the House, but with no power to vote. Under the organic act of 1917 the people of Puerto Rico were made citizens of the United States, and their civil rights guaranteed by a bill of rights analogous to the Bill of Rights of the Constitution.

The most significant action taken by the Congress, since the enactment of the organic act, toward granting Puerto Rico greater self-government was in 1947, when it permitted the people of Puerto Rico to elect their governor and permitted the governor to select the members of his cabinet.

By permitting the people of Puerto Rico to formulate and by their own initiative and choice adopt a constitution, S. 3336 would further implement the self-government principle established by the Congress as the cornerstone and fundamental policy governing the relationship of the United States toward territories over which it has jurisdiction.

It would, moreover, fulfill in a most exemplary fashion our obligations with respect to Puerto Rico under chapter XI of the charter of the United Nations, relating to the administration of non-self-governing territories—

to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement.

The people of Puerto Rico and their representatives have expressed their overwhelming support in favor of legislation which would permit them to adopt a constitution. In the recent election in Puerto Rico the Popular Democratic Party which specifically campaigned in favor of such legislation received approximately 62 percent of the Puerto Rican votes cast in the election, thereby decisively defeating the opposition including the party running on a platform for the independence of Puerto Rico, and the coalition running on a platform for statehood to Puerto Rico. Further, resolutions were recently passed unanimously in both the senate and house of representatives of the insular legislature in favor of legislation which would permit the adoption of a constitution by the people of Puerto Rico, with only one abstaining vote in each of the houses. A similar bill was introduced in the House by the Resident Commissioner of Puerto Rico about which this committee received eloquent testimony from Gov. Luis Muñoz-Mariano, Resident Commissioner Antonio Fernós-Isern, and other witnesses. This legislation constitutes a reflection of the very strong sentiment which exists in Puerto Rico for a greater measure of local autonomy which this bill represents. The Department of the Interior and the

Department of State have urged in strong language immediate passage of this measure.

Labor organizations, the Chamber of Commerce of Puerto Rico, the justices of the Supreme Court of Puerto Rico, all the mayors of the 77 municipalities in the island, except one, have supported the bill.

It is important that the nature and general scope of S. 3336 be made absolutely clear. The bill under consideration would not change Puerto Rico's fundamental political, social, and economic relationship to the United States. Those sections of the Organic Act of Puerto Rico pertaining to the political, social, and economic relationship of the United States and Puerto Rico concerning such matters as the applicability of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, Puerto Rican representation by a Resident Commissioner, etc., would remain in force and effect, and upon enactment of S. 3336 would be referred to as the Puerto Rican Federal Relations Act. The sections of the organic act which section primarily with the organization of the local executive, legislative, and judicial branches of the government of Puerto Rico and other matters of purely local concern.

One further point of clarification. This bill does not commit the Congress, either expressly or by implication, to the enactment of a new organic legislation for Puerto Rico in the future. Nor will it in any way preclude a future determination by the Congress of Puerto Rico's ultimate political status.

The United States has never made any promise to the people of Puerto Rico, or to Spain from whom Puerto Rico was acquired, that Puerto Rico would eventually be admitted into the Union. In fact, the commitment with respect to Puerto Rico and to the other areas ceded by Spain under the Treaty of Paris differed considerably from commitments made with respect to previously acquired areas, and has constituted as Territories. Our practice in this regard is reviewed briefly to show the difference.

During 1781 to 1802, the Original Thirteen States ceded to the Federal Government certain lands reaching out as far west as the Mississippi, and lying north and south of the Ohio River. These lands were divided into two large areas, known as the Northwest Territory and the Southwest Territory, respectively. The Northwest Territory and under which the Territory was incorporated into the Union, set the pattern for organic legislation for all of the Territories established on the mainland which now comprise the United States. The Northwest Ordinance granted the people of the Northwest Territory certain basic personal and political rights; it established a form of government for the Territory; it outlined the Territory's future political status. It did the latter by expressly providing that when the population in any of the districts into which the Territory was divided should have reached a certain figure, the district was to

be admitted into the Union as a State. This promise of future statehood upon the fulfillment of certain conditions was included in the organic legislation for other contiguous territories of the United States, such as the Southwest Territory, the Territory of Orleans which was set up in the land acquired by the Louisiana Purchase, and so on. To these areas the Constitution and laws of the United States were extended, thus incorporating them into the Union.

In due course the promise of statehood was fulfilled for each of these areas. Alaska and Hawaii differ from these early Territories only in the fact that they are noncontiguous to the mainland. The organic legislation provided for them is very similar to the organic legislation of the mainland Territories. The Constitution and laws of the United States were extended to Alaska and Hawaii and, therefore, just as in the case of the other incorporated Territories which became States, Alaska and Hawaii have a claim to statehood. Admission of Alaska and Hawaii, now incorporated Territories, to statehood, would complete the pattern set by the Northwest Ordinance and carried over by the organic legislation of the Territories on the mainland, that a Territory once incorporated is destined for ultimate statehood. Alaska and Hawaii are our only remaining incorporated Territories. We have given neither an expressed nor an implied pledge of incorporation or of statehood to the people of any of the other non-self-governing Territories under our jurisdiction. Puerto Rico has not been so incorporated. Puerto Rico is "unincorporated Territory." The Constitution has never been extended to Puerto Rico. Puerto Rico does not, therefore, have the claim of statehood which the mainland Territories in Alaska and Hawaii have.

In conclusion, it is the feeling of this committee that the people of Puerto Rico have demonstrated by their intelligent administration of local governmental activities, by their extensive use of the franchise and by their high degree of political consciousness, that they are eminently qualified to assume greater responsibilities of local self-government.

The extent and nature of the political, economic, and social development of Puerto Rico warrants the advancement in self-government which S. 3336 would make possible. Such action by the Congress would be a clear expression of our esteem for the people of Puerto Rico. It would be a fundamental contribution to the art and practice of the government and administration of Territories under the sovereignty of the United States. Finally, enactment of S. 3336 would stand forth as a concrete demonstration to the nations of Latin America and the world, and especially the people of Puerto Rico, that the United States translates its principles of democracy and self-determination into action.

The Committee on Public Lands unanimously recommends the enactment of S. 3336.

The favorable reports of the Department of the Interior, the Department of State, and the Bureau of the Budget, addressed to the Senate Committee on Interior and Insular Affairs, are as follows:

DEPARTMENT OF THE INTERIOR.

OFFICE OF THE SECRETARY,
Washington 25, D. C., May 19, 1950.

HON. JOSEPH C. O'MAHONEY,

Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

Mr. DAN SANCHEZ O'MAHONEY: This is in reply to your request for the views of this Department on S. 3336, a bill to provide for the organization of a constitutional government by the people of Puerto Rico.

I strongly urge the enactment of S. 3336, with the amendment suggested.

It is important at the outset to avoid any misunderstanding as to the nature and general scope of the proposed legislation. Let me say that enactment of S. 3336 will in no way commit the Congress to the enactment of statehood legislation for Puerto Rico in the future. Nor will it in any way preclude a future determination by the Congress of Puerto Rico's ultimate political status. The bill merely authorizes the people of Puerto Rico to adopt their own constitution and to organize a self-government which, under the terms of S. 3336, would be required to be republican in form and contain the fundamental civil guarantees of a bill of rights.

The framework of Puerto Rico's government has been prescribed by the Congress by the enactment in 1917 of the Organic Act of Puerto Rico. This organic act established a popularly elected legislature with broad powers in local legislative matters, and provided for an executive branch and a judicial branch of the government. It authorized the people of Puerto Rico to elect a representative to the Congress, accredited to the House of Representatives, with power to serve on committees to introduce legislation, and to be heard on the floor of the House, but with no power to vote. Under the organic act the people of Puerto Rico were made citizens of the United States, and had their civil rights guaranteed by the section of the act which closely paralleled the language of the Bill of Rights in the Constitution.

Since the enactment of the organic act, the most notable step taken by the Congress toward granting Puerto Rico an increased measure of local self-government was in 1947, when it permitted the people of Puerto Rico to elect their Governor and permitted the Governor to select the members of his cabinet, except the Auditor of Puerto Rico, who remains a Presidential appointee.

S. 3336 would be a further implementation of the self-government principle enacted by the Congress. It would permit the substitution, by action of the people of Puerto Rico, of a constitution of their own choosing for the present "organic act," the organic act which was handed to them by the Congress.

The bill under consideration would not change Puerto Rico's political, social, and economic relationship to the United States. Those sections of the Organic Act of Puerto Rico pertaining to the political, social, and economic relationship between the United States and Puerto Rico concerning such matters as the application of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, Puerto Rican representation in the Congress by a Resident Commissioner, etc., would remain in force and effect, and upon enactment of S. 3336 would be referred to as the Puerto Rican Federal Relations Act. The provisions of the organic act which section 5 of the bill would repeal are the provisions of the act concerned primarily with the organization of the local executive, legislative, and judicial branches of the government of Puerto Rico and other matters of purely local concern. These matters would be provided for in any constitution adopted and any local government organized by the people of Puerto Rico.

For your convenience, I enclose a brief analysis indicating the general nature of the sections of the organic act which would, and those which would not, be amended by S. 3336. It is suggested that the bill be amended by striking out the number "66" appearing on page 3, line 15. No repeal of section 55 of the Organic Act of Puerto Rico would be required since that section has already been amended by section 39 of title 28 of the United States Code (62 Stat. 992).

I am, Sir, very respectfully,
Your obedient testimony of Gov. Luis Muñoz-Marin before the Senate Interior and Insular Affairs Committee in behalf of this legislation is a reflection of the very high esteem which exists in Puerto Rico for a greater measure of local autonomy. The people of Puerto Rico have demonstrated by their high degree of