

It is the opinion of the committee that the constitution drafted by delegates selected by the people of Puerto Rico and approved by overwhelming majority of the qualified electors participating in the referendum on March 3, 1952, represents the will of the people of Puerto Rico. Upon its approval the people of Puerto Rico assume authority and responsibility of local self-government. The committee believes the people of Puerto Rico have demonstrated their readiness for this responsibility.

The President of the United States has found that this constitution provides a republican form of government and includes a bill of rights. He has found that it conforms to the applicable provisions of Public Law 600 of the Eighty-first Congress and of the Constitution of the United States. He recommends its early approval.

The Committee on Interior and Insular Affairs unanimously recommends the passage of House Joint Resolution 430 providing for the approval of the Constitution of the Commonwealth of Puerto Rico.

The message of the President of the United States follows:

*To the Congress of the United States:*

I am transmitting to the Congress for approval the Constitution of the Commonwealth of Puerto Rico, adopted by the people of Puerto Rico on March 3, 1952. The constitution has been submitted to me pursuant to the act of July 3, 1950 (64 Stat. 319 (48 U. S. C., Supp. IV, 731b-731e)). This act authorizes me to submit to the Congress if I find that it conforms with the applicable provisions of the Constitution of the United States. I do find and declare that the Constitution of the Commonwealth of Puerto Rico conforms with the applicable provisions of the act of July 3, 1950, and of our own Constitution.

Fully recognizing the principle of government by consent, the act of July 3, 1950, authorized the people of Puerto Rico to organize a republican form of government pursuant to a constitution of their own choosing. The act was adopted by the Congress of the United States "in the nature of a compact." By its own terms, the act could become effective only when accepted by the people of Puerto Rico in a referendum.

On June 4, 1951, the people of Puerto Rico voted by a large majority to accept the act of July 3, 1950, thereby reaffirming their union with the United States on the terms proposed by the Congress. Following the referendum, the people of Puerto Rico elected delegates to a constitutional convention. The convention convened in San Juan on September 17, 1951, and concluded its deliberations on February 6, 1952.

The constitution approved by the constitutional convention was submitted to the people of Puerto Rico in a referendum on March 3, 1952. It was adopted by an overwhelming majority.

In the course of its studies and deliberations, the constitutional convention made a careful analysis of the constitutions of each of the States of the Union as well as that of the Federal Government. As a result, the Constitution of the Commonwealth of Puerto Rico contains many provisions which are comparable to constitutions which have been adopted by the States, as well as other provisions which are designed primarily to meet local problems.

The constitution establishes the government of the Commonwealth of Puerto Rico with three coordinate branches of government: legislative, executive, and judicial. The city of San Juan is designated as the seat of government.

The legislative power of the Commonwealth of Puerto Rico is vested in the legislative assembly, consisting of a senate composed of 27 members and a house of representatives composed of 51 members. Members of the senate and the house of representatives are to be elected by direct vote at each general election for a term of 4 years. Both United States and Puerto Rican citizenship are required for election to legislative office.

Under the constitution the executive power of the Commonwealth of Puerto Rico is vested in a Governor, to be elected by direct vote in each general election for a term of 4 years. To be eligible for election as Governor, a person must be at least 35 years of age and must have been, during the 5 years preceding the date

of his election, a citizen of the United States and a citizen and bona fide resident of Puerto Rico. The Governor is vested with the powers usually lodged in a chief executive under our form of government, including the right to veto bills enacted by the legislative assembly. The legislative assembly may override the Governor's veto by a vote of two-thirds of the total number of members of which each house is composed.

The judicial power of Puerto Rico is vested in a supreme court, and in such courts as may be established by law. The supreme court is designated as the court of last resort in Puerto Rico and is to be composed of a chief justice and four associate justices. The justices of the supreme court are to be appointed by the Governor, with the advice and consent of the senate of Puerto Rico, and are to hold office during good behavior. Justices now serving on the supreme court, who were appointed by the President of the United States, are to continue to hold office during good behavior.

The constitutional convention gave careful consideration to the objective of having an independent judiciary. It limited the number of justices of the supreme court to five members and expressly provided that the number cannot be increased except by direct request of the supreme court itself. Independence of the judiciary is further advanced by the provision of the constitution placing responsibility for administration of the entire judicial system in the chief justice of the supreme court, who is appointed for life and removable by impeachment only. The new constitution contains a bill of rights which corresponds with the best ideals of human dignity, equality, and freedom. The bill of rights includes provisions which are similar to our own basic constitutional guarantees. In addition, it contains express provisions regarding public education, conditions of employment, and the protection of private property. The bill of rights also recognizes the existence of certain human rights, but acknowledges that their full enjoyment depends upon an agricultural and industrial development not yet attained in the Puerto Rican community.

Amendments to the constitution may be proposed by a concurrent resolution approved by not less than two-thirds of the total membership of each house of the legislative assembly. The amendments must be adopted by a majority of qualified electors either in a general election or in a special referendum.

The act of July 3, 1950, was the last of a series of enactments through which the United States has provided ever-increasing self-government in Puerto Rico. The Treaty of Paris, which ceded Puerto Rico to the United States, was ratified in 1898 and proclaimed 53 years ago. After a brief period of military government, the Congress in 1900 adopted the first Organic Act of Puerto Rico, known as the Foraker Act, which established a civil government for the island. By making provision for a popularly elected lower house of the legislative assembly, called the House of Delegates, the Foraker Act extended some measure of local self-government to Puerto Rico. Preponderant control of the local government of Puerto Rico was retained by the United States, however, by virtue of the President's authority under the act to appoint the Governor, the heads of the executive departments, the justices of the supreme court, and the 11 members of the executive council of Puerto Rico.

The present Organic Act of Puerto Rico, enacted on March 2, 1917, provided for substantial advance in local self-government for Puerto Rico. By creating the legislature of Puerto Rico, composed of a popularly elected senate and house of representatives, it gave the people direct control over the legislative branch of the government. Concurrently the executive council created by the Foraker Act exercised its legislative functions. An opportunity for greater participation in the formulation of executive policies was provided the people of Puerto Rico by authorizing the Governor, with the advice and consent of the insular senate, to appoint the heads of the executive departments, except the attorney general, the commissioner of education. Authority to appoint the Governor, the attorney general, the commissioner of education, the auditor, and the justices of the Supreme Court of Puerto Rico was reserved to the President of the United States. The act granted full United States citizenship to the people of Puerto Rico and gave them a bill of rights. It also authorized them to elect a representative to the Congress, accredited to the House of Representatives.

In 1946 I appointed the first native of Puerto Rico as Governor, Jesús T. Piñero, by the act of August 5, 1947, the people of Puerto Rico were authorized to elect their own Governor. This act also provided that the heads of all executive departments of Puerto Rico were to be appointed by the elected Governor of Puerto Rico, including the attorney general and the commissioner of education.

Section 2.—The government of the Commonwealth of Puerto Rico shall be in form and its legislative, judicial and executive branches as established by the Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico.

Section 3.—The political authority of the Commonwealth of Puerto Rico shall extend to the Island of Puerto Rico and to the adjacent islands within its jurisdiction.

Section 4.—The seat of the government shall be the city of San Juan.

ARTICLE II  
BILL OF RIGHTS

Section 1.—The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential equality.

Section 2.—The laws shall guarantee the expression of the will of the people by means of equal, direct and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise.

Section 3.—No law shall be made respecting an establishment of religion or the free exercise thereof. There shall be complete separation of church and state.

Section 4.—No law shall be made abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 5.—Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of the rights of human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or funds shall be used for the support of schools, or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child non-educational services established by law for the protection or welfare of children.

Section 6.—Persons may join with each other and organize freely for any lawful purpose, except in military or quasi-military organizations.

Section 7.—The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto Rico shall be denied the equal protection of the laws. No person shall be held in slavery or servitude. A minimum amount shall be required for the obligation of contracts shall be enacted. A minimum amount shall be required for the obligation of contracts shall be enacted. A minimum amount shall be required for the obligation of contracts shall be enacted.

Section 8.—Every person has the right to the protection of law against abusive searches and seizures. Every person has the right to the protection of law against abusive searches and seizures. Every person has the right to the protection of law against abusive searches and seizures.

Section 9.—Private property shall not be taken or damaged for public use without just compensation and in the manner provided by law. The right to property shall be protected by law. The right to property shall be protected by law.

Section 10.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. A warrant for arrest or search and seizure shall issue except by judicial authority and only upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons to be arrested or things to be seized.

Section 11.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation and to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, to have the assistance of counsel, and to be presumed innocent.

As a result of the act, therefore, the people of Puerto Rico assumed directly responsibility and control over the executive branch of the local government. The President of the United States still retained authority to appoint the auditors, the justices of the Supreme Court of Puerto Rico, but even this authority was relinquished upon approval of the Constitution of the Commonwealth of Puerto Rico.

Through the act of July 3, 1950, providing for the establishment of a constitutional government in Puerto Rico, the United States gives evidence once more of its adherence to the principle of self-determination and its devotion to the ideals of freedom and democracy. The people of Puerto Rico have accepted the law enacted by the Congress. They have complied with its requirements and have submitted their constitution for the approval of the Congress. With its approval, full authority and responsibility for local self-government will be vested in the people of Puerto Rico. The Commonwealth of Puerto Rico will be a government which is truly by the consent of the governed. No government can be invested with a higher dignity and greater worth than one based upon the principle of consent.

The people of the United States and the people of Puerto Rico are entering a new relationship that will serve as an inspiration to all who love freedom and hate tyranny. We are giving new substance to man's hope for a world with peace and equality under law. Those who truly love freedom know that the relationship between a government and its people is one based on mutual confidence and esteem.

The Constitution of the Commonwealth of Puerto Rico is a proud document that embodies the best of our democratic heritage. I recommend its approval by the Congress.

HARRY S. TRUMAN

THE WHITE HOUSE, April 22, 1952.

APPENDIXES

APPENDIX I

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourself and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth of Puerto Rico, in the exercise of our natural rights, we now create within our union the United States of America.

In so doing, we declare:

The democratic system is fundamental to the life of the Puerto Rican community.

We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured.

We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and principles. We are loyal to the principles of the Federal Constitution; the coexistence of Puerto Rico with the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the common good; our industrious, and peaceful way of life; our fidelity to individual human rights above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

SECTION 1.—The Commonwealth of Puerto Rico is hereby constituted. Political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

ARTICLE I  
THE COMMONWEALTH