

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.

MY DEAR SENATOR 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 local 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 a section of the act which closely paralleled the language of the Bill of Rights of 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 for the auditor of Puerto Rico, who remains a Presidential appointee.

S. 3336 would be a further implementation of the self-government principle adopted 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 constitution, 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 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 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 sections 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 repealed by S. 3336. It is suggested that the bill be amended by striking out the number "5" 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 repealed by section 39 of title 28 of the United States Code (62 Stat. 992).

The eloquent 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 strong sentiment which exists in Puerto Rico for a greater measure of local autonomy. The people of Puerto Rico have demonstrated by their high degree of

political consciousness, by their extensive use of the franchise, and by their successful and intelligent administration of local governmental activities, that they are eminently qualified to assume greater responsibility of self-government.

The time has come to permit the people of Puerto Rico to adopt their own constitution. Enactment of S. 3336 would be a reaffirmation by the Congress of the self-government principle which has been the cornerstone of United States policy toward its Territories. Such action by the Congress would be a clear expression of our esteem for the people of Puerto Rico. It would also be a concrete demonstration to the nations of the world, and especially the people of Puerto Rico, at a time when territorial administration is a matter of constant discussion in the United Nations, that the United States translates its principles of democracy and self-determination into action.

The Bureau of the Budget has advised that enactment of this legislation would be fully in accord with the program of the President.

OSCAR I. CHAPMAN,
Secretary of the Interior.

GENERAL NATURE OF SECTIONS OR PARTS OF SECTIONS OF THE ORGANIC ACT WHICH WOULD REMAIN IN FORCE AND EFFECT AND UPON ENACTMENT OF S. 3336 WOULD BE KNOWN AS THE PUERTO RICAN FEDERAL RELATIONS ACT

Section 1: Provides that the organic act shall apply to the island of Puerto Rico and adjacent islands.

Section 2: Comity clause.

Section 3: Prohibits export duties; permits imposition by the insular government of internal revenue and other taxes; permits the issuance of bonds, but limits indebtedness; provides for the exemption of bonds issued pursuant to this section from taxation.

Section 5 (a) (b) (c): Contains United States citizenship provisions for Puerto Ricans.

Section 6: Provides that the expenses of the insular government shall, except for United States public works, be paid out of the insular treasury.

Section 7: Provides for the transfer of property to Puerto Rico ceded by Spain to the United States; also provides for the mutual transfer of property between the United States and Puerto Rico.

Section 8: Contains provisions relating to the jurisdiction of the United States and Puerto Rico with respect to harbor areas, navigable streams, bodies of water, and submerged lands in and around Puerto Rico.

Section 9: Provides that United States laws, except the internal revenue laws are applicable to Puerto Rico, except where locally inapplicable; also contains provisions returning the internal revenue taxes to Puerto Rico.

Section 10: Provides that all judicial process in Puerto Rico shall run in the name of the United States or the people of Puerto Rico; also provides for an oath of allegiance.

Section 11: Provides that reports by the Governor and insular departments are to be made to the Federal agency designated by the President to have administrative jurisdiction over Puerto Rico.

Section 36: Contains provisions relating to the election, eligibility, salary allowances, etc., of the Resident Commissioner.

Section 37 (part): Defines the extent of the legislative authority of the Legislature of Puerto Rico.

Section 38 (part): Declares the Interstate Commerce Act and certain other Federal acts inapplicable in Puerto Rico.

Section 41: Contains provisions relating to the United States District Court for the District of Puerto Rico and the judge and officials of that court.

Section 42: Provides that the laws of the United States relating to appeals certiorari removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico. It also provides that

all pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language.

Section 44: Prescribes qualifications for jurors selected to serve in the United States District Court for the District of Puerto Rico.

Section 45: Provides for disposal of fees, fines, etc., collected in the United States District Court for the District of Puerto Rico.

Section 48: Provisions relating to writs of habeas corpus to be issued by the Supreme Court of Puerto Rico, and the United States District Court for the District of Puerto Rico; and writs of mandamus to be issued by the United States District Court for the District of Puerto Rico; declares that suits restraining assessment or collection of taxes imposed by the laws of Puerto Rico are outside the jurisdiction of the United States District Court for the District of Puerto Rico.

Section 54: Provides for the acknowledgment of deeds and other instruments affecting land situated in the District of Columbia or any other Territory or possession of the United States.

Section 58: Provides for the continuation of United States laws applicable to Puerto Rico which are not inconsistent with the organic act; also repeals all United States laws which are applicable to Puerto Rico but inconsistent with the organic act.

GENERAL NATURE OF SECTIONS OR PARTS OF SECTIONS OF THE ORGANIC ACT TO BE REPEALED BY S. 3336

Section 2: Contains a bill of rights and other provisions of a protective nature.

Section 4: Provides that the capital of Puerto Rico shall be at the city of San Juan.

PROVISIONS RELATING TO EXECUTIVE BRANCH OF GOVERNMENT OF PUERTO RICO

Section 12: Contains provisions relating to the election, tenure, qualifications, and powers of the Governor of Puerto Rico.

Section 12a: Prescribes procedure for impeachment of the Governor of Puerto Rico.

Section 13: Creates the executive departments of the government of Puerto Rico.

Section 14: Prescribes the duties and authority of the attorney general.

Section 15: Prescribes the duties and authority of the treasurer of Puerto Rico.

Section 16: Prescribes the duties and authority of the commissioner of interior.

Section 17: Prescribes the duties and authority of the commissioner of education.

Section 18: Prescribes the duties and authority of the commissioner of agriculture and commerce.

Section 18a: Prescribes the duties and authority of the commissioner of labor.

Section 19: Prescribes the duties and authority of the commissioner of health.

Section 20: Prescribes the duties and authority of the auditor.

Section 21: Provides for appeal to the Governor from decisions of the auditor.

Section 22: Provides for appointment of the executive secretary to the Governor and prescribes his duties and authority.

Section 23: Provides for the transmission to the Congress of laws enacted by the Legislature of Puerto Rico.

Section 24: Provides for succession to the office of Governor in the event of a vacancy in that office.

PROVISIONS RELATING TO THE LEGISLATIVE BRANCH

Section 25: Vests local legislative powers in a bicameral legislature consisting of a senate and house of representatives designated as "The Legislature of Puerto Rico."

Section 26: Contains provisions relating to the election, number, qualifications, and term of office of members of the senate of Puerto Rico, and prescribes the powers of the senate.