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SENATE

{ REPORT  
No. 1779

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

JUNE 6 (legislative day, MARCH 29), 1950.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, submitted the following

### REPORT

[To accompany S. 3336]

The Senate Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3336) providing for the organization of a constitutional government by the people of Puerto Rico, report favorably with the following amendment and with the recommendation that the bill, as amended, do pass.

Strike out all after section 1 and insert the following:

2. This Act shall be submitted to the qualified voters of Puerto Rico for their approval or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this Act, by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a Constitutional Convention to draft a constitution for the said island of Puerto Rico. The said constitution shall provide a republican form of government and shall include a bill of rights.

3. Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Senate of the United States if he finds that such constitution conforms with the applicable provisions of this Act and of the Constitution of the United States. If approved by the Congress the constitution shall become effective in accordance with its terms.

4. Except as provided in section 5 of this Act, the Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved August 5, 1917, as amended, is hereby continued in force and effect and may hereinafter be cited as the "Puerto Rican Federal Relations Act".

5. At such time as the constitution of Puerto Rico becomes effective, the provisions of such Act of March 2, 1917, as amended, shall be deemed to be in force.

6. Section 2, except the paragraph added thereto by Public Law 362, Eightieth Congress, first session, approved August 5, 1947.

7. Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49b, 50, 51, 52, 53, 56, and 57.

8. The last paragraph in section 37.

WORDS THE INTERESTING CONSTRUCTION OF THE BILL IN PUERTO RICO? Sec. 6. All laws or parts of laws inconsistent with this Act are hereby repealed.

PURPOSE OF THE BILL

This bill authorizes the people of Puerto Rico to organize their own government by holding a constitutional convention and adopting a constitution to be submitted to the Congress for approval. The measure is in the nature of a compact, with specific provision made for an island-wide referendum in which the Puerto Ricans will be free to express their will for acceptance or rejection of the proposal. At present, the government of the island is provided by the Organic Act of Puerto Rico, enacted March 2, 1917 (39 Stat. 951). This act, as amended, is an enlightened, progressive, and efficient charter, insuring to the island's people civil liberties and almost complete local political and economic autonomy. Yet it is an act of the Congress of the United States, in the enactment of which the people of Puerto Rico had no part. As such, it is not a creation of, nor an expression of, the will of the people of Puerto Rico.

This measure is designed to complete the full measure of local self-government in the island by enabling the 2 1/2 million American citizens there to express their will and to create their own territorial government. The traditional safeguards are set up in the bill: Section provides that the constitution to be adopted "shall provide a republican form of government and shall include a bill of rights." Both the President and the Congress are to be the judges of whether the people's rights are fully protected.

Thus, in the only Latin-American area under the American flag which is a focal point of inter-American relations, the present measure would give further concrete expression to our fundamental principles of government of, by, and for the people. It is a logical step in the process of political freedom and economic development that we began even in the days of our military occupation of the island at the end of the last century.

The most recent development in this progression up to the present legislation was the elective-Governor bill (61 Stat. 770). By the amendment to the Organic Act, Congress provided for the election of the Governor of Puerto Rico by popular vote every 4 years, and empowered him to appoint all of his executive department heads with the advice and consent of the Senate of Puerto Rico.

Personal inspections by members of the committee and reports of other government officials and private experts all show that the time to elect their own chief executive of the island has had a most dynamic effect on the people of Puerto Rico, and that the Governor, the Honorable Luis Muñoz-Martin, has the support of the great majority of the people in his far-reaching program for industrialization and economic development.

As expressed by the Assistant Secretary of State for Inter-American Affairs, Edward G. Miller, in his testimony endorsing S. 3336 on behalf of the Department of State:

I have also visited Puerto Rico twice this year in connection with my program visits to all the countries in Latin-America. I have seen what is being done in Puerto Rico, in the way of economic and political progress, and I think that

Puerto Rico has had in self-government. \* \* \* Puerto Rico is an area of the United States, a community that has a particular interest in Latin-America. \* \* \* I think it will help our prestige and our program throughout Latin-America if we give this added recognition of self-government to Puerto Rico.

INTERNATIONAL ASPECTS

Puerto Rico was formally ceded to the United States by the Treaty of Paris which terminated the Spanish-American War. The second paragraph of article IX of this treaty, which was ratified by Congress on February 6, 1899 (30 Stat. 1754), provided that the Congress should determine "the civil rights and political status of the native inhabitants" of the areas ceded.

More recently, the United States undertook new treaty obligations which bear upon Puerto Rico. The United Nations Charter (ratified by the U. S. Senate on June 26, 1945; 59 Stat. 1031) provides in Article 73 of Chapter XI:

Members of the United Nations which have or assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost \* \* \* the well-being of the inhabitants of these territories, and, to this end: \* \* \*

(c) 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 \* \* \* (59 Stat. at p. 1048).

The history of the relationship between Puerto Rico and the United States bears eloquent witness to the fact that we have indeed insured political advancement and developed self-government in the island. As a record of which every American should be proud. It is not surprising that a measure such as S. 3336 is needed to fulfill our obligations to Puerto Rico under the United Nations Charter. Those provisions already have been fulfilled to an extent that is almost unparalleled. The provision is quoted as showing that a constitution for Puerto Rico of, by, and for the Puerto Ricans would be a further development of the policy to which we have committed ourselves in the United Nations Charter. The favorable report on S. 3336 from the Department of State, issued in full at the end of this report, points out this fact.

RELATIONS WITH FEDERAL GOVERNMENT UNCHANGED

The measure would not change Puerto Rico's fundamental political, civil and economic relationship to the United States. Those sections of the Organic Act of Puerto Rico concerning such matters as the responsibility of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, representation in the Congress of the United States by a Resident Commissioner, et cetera, would remain in force and effect. Upon enactment of S. 3336, these remain- sessions of the organic act would be referred to as the Puerto Rican Federal Relations Act.

The sections of the organic act which section 5 of this bill would repeal are concerned primarily with the organization of the insular